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Regulations

TITLE 10—ARMY WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 57—SERVICE CLUBS, HOSTESSES AND LIBRARIANS

In § 57.12 (e) (7 F.R. 8628) which prohibits assignment to duty at posts, camps or stations at which relatives in the military service are stationed, is rescinded:

§ 57.12 *Selection and assignment.* * * *

(e) [Rescinded] (R. S. 161, 5 U.S.C. 22) [Par. 16, AR 850-80, 26 August 1942, as amended by C 5, 10 November 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-18849; Filed, November 23, 1943; 4:25 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 32].

PART 803—GENERAL ORDERS

ADJUSTMENT IN RATES OF PAY OF EMPLOYEES OF FEDERAL DEPOSIT INSURANCE CORPORATION

§ 803.32 *General Order No. 32.* (a) The National War Labor Board delegates to the Federal Deposit Insurance Corporation (hereafter referred to as the Corporation) to be exercised on its behalf by the Board of Directors of the Corporation, the authority to approve adjustments in the wages or salaries of the employees of the Corporation, not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, all in accordance with the further provisions of this order.

(b) In the exercise of its authority hereunder the Board of Directors of the Corporation shall comply with the terms of Executive Order 9250, dated October 3, 1942, Executive Order 9328, dated April 8, 1943 (8 F.R. 4681) the Supplement thereto issued by the Director of Economic Stabilization on May 12, 1943 (8 F.R. 6490) and all pertinent principles and policies of the National War Labor Board or of the Director of Economic Stabilization heretofore or hereafter announced.

(c) The Board of Directors of the Corporation, without making a ruling thereon, may refer to the National War Labor Board for decision any case which in the opinion of the Board of Directors presents doubtful or disputed questions of sufficient seriousness or import to warrant action by the National War Labor Board.

(d) A certificate by the Secretary of the Corporation attesting to the approval of the adjustment, stating the nature and amount of the adjustment, and briefly setting forth the facts indicating that the adjustment meets the requirements of the wage stabilization program, as set forth above, will be accepted by the National War Labor Board as sufficient evidence of the propriety of the adjustment. All rulings of the Board of Directors hereunder shall be subject to review by the National War Labor Board on its own initiative, but the reversal or modification of any such ruling shall not be retroactive.

(e) The certificate described herein, together with four copies thereof, shall be filed promptly with the Wage Stabilization Division of the National War Labor Board, together with such additional data and reports as said Division or the National War Labor Board may from time to time require.

(E.O. 9250, 7 F.R. 7871)

Adopted November 15, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-18848; Filed, November 23, 1943; 4:03 p. m.]

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TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-381, Amdt. 1]

THE PHOTO PROCESS ENGRAVING COMPANY

The Photo Process Engraving Company has appealed from the provisions of Suspension Order S-381. The Chief Compliance Commissioner has reviewed this case and has received new evidence indicating undue hardship which this suspension order would work upon the company's business. He has decided that there were wilful violations of the orders and regulations of the War Production Board and that this suspension order should not be revoked. He has also decided that in order to prevent irreparable damage to the business of The Photo Process Engraving Company, Suspension Order S-381 should be amended.

The Printing and Publishing Division and the Appeals Board have established

a base period usage of copper for 1941 of 15,414 pounds and have prorated it by percentages for quarter uses. In view of the reduction in usage of copper prescribed by Conservation Order M-339, it is felt that it is not possible for the respondent to reduce further its use of copper so as to make up for all of its over usage; therefore, quota reductions have been arranged as follows:

Section 1010.381 *Suspension Order No. S-381*, issued July 27, 1943, is hereby amended by striking out paragraph (a) and inserting in place thereof a new paragraph (a) as follows:

(a) The respondent's quota of copper shall be reduced as follows:

	Pounds
For the third quarter of 1943	1,150
For the first quarter of 1944	1,150
For the second quarter of 1944	500
For the third quarter of 1944	448

which amounts represent 3248 pounds of copper out of a total of 4735 pounds of copper over-consumed during the first and fourth quarters of 1942, unless the respondent is hereafter specifically authorized in writing by the War Production Board to consume additional copper. If the respondent shall use any copper in fulfilling new Government orders as defined in paragraph (e) of Conservation Order M-339, then the quotas shall be further reduced by the poundage of copper used in the Government orders up to the first 1506 pounds; each such reduction in quota shall be made in each quarter in which Government copper is consumed and to such amounts.

Issued this 24th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18855; Filed, November 24, 1943; 10:24 a. m.]

PART 3012—MICRO-CRYSTALLINE WAX AND BLENDS

[Allocation Order M-195, Revocation]

Section 3012.1 *Allocation Order M-195* has been amended and reissued as Petroleum Distribution Order No. 19 by the Petroleum Administration for War. Accordingly, Allocation Order M-195 of the War Production Board is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order.

Issued this 24th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18856; Filed, November 24, 1943; 10:24 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-245, as Amended
Nov. 20, 1943¹]

BOOKS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, and paper required for the production of books for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.17 *Limitation Order L-245—*
(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Book" means a collection of 32 or more pages of paper (or paperlike substance) either bound or in loose-leaf form, to which ink has been applied to a minimum amount of one-half of such pages by the relief, planographic, intaglio, silk screen or other stencil processes, or any combination or modification of such processes, not issued periodically (except at intervals of more than 6 months) and consisting of reading matter and/or illustrations printed and offered for sale, including supplements thereto regardless of number of pages or frequency of issuance.

(3) "Publisher" means a person who causes a book to be printed and offers the same for sale.

(4) "Put into process" means the first application of ink to paper in the printing of a book.

(5) "Paper" means any grade or quality of paper used in the production of a book, including text, inserts, end papers, jackets or any printed paper physically incorporated into, or made a part of, a book.

(6) "Base period" means the calendar year 1942.

(b) *Limitations on paper put into process.* No publisher shall cause paper to be put into process for the production of books during the calendar year 1943 in excess of 90% of the amount of paper by weight which he caused to be put into process in the production of books during the calendar year 1942.

(c) *Restrictions on paper for reprinting.* (1) On and after the 8th day of January, 1943, no publisher shall cause paper to be put into process for the reprinting of any book issued prior to said date, in an amount by per copy weight greater than 90% of the amount

by per copy weight of the paper caused to be put into process by him, or by the original publisher, in the last printing of said book prior to said date.

(2) Excepted from the provisions of paragraph (c) (1) above is the reprinting of books:

(i) The last printing of which occurred prior to the 8th day of January, 1943 on paper of a 40-pound base weight or lighter, and where such reprinting is to be effected on a paper of an equal or lighter base weight;

(ii) The paper for which was ordered prior to the 8th day of January, 1943 and is scheduled for delivery to, or for the account of, the publisher within 45 days after the 8th day of January, 1943.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories of paper and books, and the production and sales of books.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington (25), D. C. Ref. L-245.

(j) A publisher who places a bona fide print order for the production of one or more books in 1943 and who, because of production delays beyond his control at the printing level, finds that the paper cannot be put into process before December 31st, 1943, may add to his 1944 quota the tonnage involved, provided that he files with the War Production Board on or before December 31, 1943 a letter set-

ting forth the weight of paper to be added to his 1944 quota, the name of the printer with whom the order has been placed, and the date of such order.

Issued this 20th day of November 1943,

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Question has arisen as to whether a "publisher" as defined in paragraph (a) (3), may purchase, for resale, books printed by a printer (or book manufacturer).

A printer (or book manufacturer) who was not a "publisher" of books during the base period, 1942, has no quota of paper for the publishing of books in 1943 under the terms of the order. He is engaged in the commercial printing of books for the account of book publishers and as such any paper which he may put into process is limited to such amount as is provided by the terms of Order L-241. Order L-241 excepts from such printer's quota "books" printed for a publisher. Consequently a publisher ordering such books must deduct the tonnage of paper represented by such books from his quota.

As between publishers, however, Order L-245 does not prohibit Publisher A from purchasing books from Publisher B where such books bear the imprint of Publisher B and where the paper for such books is deducted by Publisher B from his quota. (Issued March 20, 1943.)

[F. R. Doc. 43-18354; Filed, November 24, 1943;
10:24 a. m.]

PART 3216—MATERIAL ENTERING INTO THE
OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142,
Interpretation 1]

RERATING DELIVERY ORDERS PLACED UNDER
P-88

The following interpretation is issued with respect to Preference Rating Order P-142:

Order P-88 (predecessor of P-142) assigned "blanket" ratings to railroads for certain specified deliveries of MRO materials; it also provided for the specific assignment of ratings to other deliveries of materials pursuant to application made on Form FD-351. These ratings ranged from A-1-a to A-8. Order P-142 (§ 3216.1) assigns no "blanket" ratings in the order itself, all necessary ratings for transportation MRO being assigned on Form WPB-2585 (formerly FD-844). When P-142 was issued on April 5, 1943, it contained a provision specifically revoking Order P-88 and all ratings issued thereunder, with the exception of ratings issued on Form FD-351 for the second quarter of 1943. Under these circumstances, it is questioned whether an operator who, under P-88, properly placed a delivery order which was never filled, may rerate it on the basis of authorization granted on Form WPB-2585 pursuant to P-142.

The revocation of P-88 did not affect deliveries which had been rated under that order before April 5, 1943. Moreover, an operator who properly placed a rated order for MRO materials under P-88, but did not receive delivery at the time requested, may

¹ This document is a restatement of Amendment 1 to L-245, which appeared in the FEDERAL REGISTER of November 23, 1943, page 15834, and reflects the order in its completed form as of November 20, 1943.

rerate the original delivery order to the extent that deliveries of such materials have been authorized on Form WPB-2585.

For example, a railroad placed a purchase order for a fabricated product on October 4, 1942, applying the rating of A-1-J in accordance with paragraph (b) (3) of Order P-88, and specifying the delivery date of December 15, 1942. The supplier was unable to make delivery at the time requested. Under P-142, the railroad received authorization for the fourth quarter of 1943 on Form WPB-2585 to apply a rating of AA-1 to the delivery of certain materials, including fabricated products of the kind specified in the original purchase order. Whether the authorization is in terms of units (under section D of the Form), or in terms of dollar value applicable to a group of products (under section E), Priorities Regulation 12 permits the railroad to rerate the original order if it is still unfilled. However, the items or dollar value involved must be charged against the WPB-2585 authorization for the quarter in which the rerating is made.

Issued this 24th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18853; Filed, November 24, 1943;
10:24 a. m.]

PART 3291—CONSUMERS DURABLE GOODS¹

[Limitation Order L-36, as Amended
November 24, 1943]

UMBRELLA FRAMES

Section 3291.185¹ *Limitation Order L-36* is hereby amended to read as follows:

§ 3291.185 *Limitation Order L-36*—
(a) *What this order does.* This order states the rules governing the manufacture of umbrella frames and repair parts for them. It sets quotas for the number of frames and repair parts which may be made in each quarter and limits the number and length of ribs in each frame.

(b) *Definition of "frame"* "Frame" means the framework of an umbrella made out of iron, steel or plastic, including ribs, stretchers, notch, runner, springs, cap, ferrule, tips and connecting hardware.

(c) *How many frames may be made.* (1) Beginning with the fourth quarter of 1943, no manufacturer shall produce during any quarter more than 9½% of the frames he made in the calendar year 1941.

(2) A manufacturer may not devote more than 90% of his quota for any quarter to the production of frames designed for a woman's umbrella.

(d) *Specifications for frames.* No manufacturer shall produce any frames which do not meet the following specifications:

(1) No frame for a man's umbrella may have more than 8 ribs.

(2) Ribs for a man's umbrella may not be more than 25 inches in length.

(3) No frame for a woman's umbrella may have more than 10 ribs.

(4) Ribs for a woman's umbrella may not be more than 20 inches in length.

(e) *Repair parts.* Beginning with the fourth quarter of 1943, no manufacturer of frames shall put into process during any quarter more iron and steel in making repair parts for frames than 10% of the iron and steel he is entitled to use in making his quota of frames for that quarter. In computing this amount for repair parts, a dozen umbrella frames shall be considered to use 5.3 pounds of iron and steel.

(f) *Special rule as to parts manufacturers.* No manufacturer of parts for frames shall make or deliver any parts if he knows or has reason to believe that they will not be used as repair parts or in the production of frames in accordance with this order.

(g) *Reports.* On or before January 20, April 20, July 20, and October 20 of each year, beginning January 20, 1944, each manufacturer shall file with the War Production Board Form WPB-1600 (formerly PD-655) showing his production, shipments and inventory of umbrella frames during the preceding quarter. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of umbrella frames to a greater extent than this order, the other order shall govern unless it states otherwise.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the Field Office of the War Production Board for the district in which is located the plant to which the appeal relates.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall,

unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington (25) D. C., Ref: L-36.

Issued this 24th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18852; Filed, November 24, 1943;
10:24 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-30, as Amended Nov. 24, 1943]

ETHYL ALCOHOL

§ 3293.66 *Allocation Order M-30*—

(a) *Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent." The term does not include beverage alcohol.

(2) "Beverage alcohol" means ethyl alcohol produced for beverage purposes or ethyl alcohol tax paid and withdrawn for beverage purposes.

(3) "Producer" means any person engaged in the production of ethyl alcohol and includes any importer and any person who has ethyl alcohol produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases ethyl alcohol for purposes of resale.

(5) "Supplier" means a producer or distributor.

(b) *General restrictions on deliveries and use.* (1) No person shall accept delivery of ethyl alcohol from a supplier except in accordance with the procedure established by paragraph (c) or except upon specific written authorization of the War Production Board issued on application made pursuant to paragraph (d).

(2) No supplier shall deliver any ethyl alcohol except against a certificate furnished him under paragraph (e) or except upon specific written authorization of the War Production Board issued on application made by the supplier under paragraph (f).

(3) No supplier shall use any ethyl alcohol except upon specific written authorization of the War Production Board issued on application made by him under paragraph (d).

(c) *Acceptance of certain deliveries of 7900 gallons or less per quarter.* Any person may without specific written authorization of War Production Board accept delivery in any calendar quarter from all sources or not more than 7900 gallons of ethyl alcohol, subject to two conditions. The first condition is that he shall have furnished to each supplier from whom he obtains delivery a cer-

¹ Formerly Part 1069, § 1069.1.

tificate substantially in the form set forth in Appendix C. The second condition is that the aggregate amount received (in no case in excess of 7900 gallons) must be within the following additional quantity limitations:

(1) Where the purpose for which delivery is requested is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 100% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Adhesives.
Agricultural poisons.
Brake fluids.
Cutting oils.
Drugs and pharmaceuticals (not including rubbing alcohol or products specifically listed in paragraphs (c) (3) or (c) (4)).
Embalming fluids.
Food products (except candy glazes, pectin and vinegar).
Laboratory and experimental.
Photographic materials (including photo engraving).
Natural shellac or shellac substitute.
All other products not classified in paragraphs (c) (2) to (c) (6) inclusive.

(2) Where the purpose is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 50% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

Candy glazes.
Cleaning and polishing preparations (including shoe and floor polishes).
Deodorant sprays (non-body).
Tooth cleaning preparations.
Witch hazel.
All toiletries and cosmetics including but not limited to:
Bay rum.
Body deodorants.
Face and hand creams and lotions.
Hair and scalp preparations.
Perfume and perfume materials, tinctures and fixatives.
Shampoos.
Toilet soaps (including shaving cream).
Toilet waters.

However, any person who purchased ethyl alcohol prior to July 1, 1943 in quantities not exceeding 162 gallons per quarter for the manufacture of toiletries and cosmetics, may continue to purchase not more than 162 gallons of ethyl alcohol per calendar quarter for such purposes.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in the manufacture of a particular toiletry or cosmetic product may be used to support the acceptance of delivery for use in the manufacture of a different toiletry or cosmetic prod-

uct. For example, ethyl alcohol used in the manufacture of toilet waters during the base period would support the receipt of ethyl alcohol for the manufacture of after-shave lotions containing ethyl alcohol.

(3) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 60% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

Antiseptics for oral uses (including Antiseptic Solution N. F.).
Mouth washes.

(4) Where the purpose is the manufacture of any of the following products, there shall be no further limitation on the quantity received (beyond the requirement that only 7900 gallons may be accepted in a calendar quarter)

Acetaldehyde.
Acetic acid (except vinegar for food use).
Basic medicinal chemicals not in compound form.
Biological preparations.
Butadiene.
Diethylamine.
Dyes and intermediates (manufacture of).
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (military and industrial).
Flotation reagents.
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Plastics and synthetic resins (manufacture of).
Styrene.
Xanthates.

(5) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 110% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

Flavoring extracts.
Vinegar.

(6) Where the purpose is the manufacture of any rubbing alcohol compound or preparation, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 15% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

(7) Where the purpose is not the manufacture of other products but resale as

ethyl alcohol, specific written authorization of War Production Board shall in every case be obtained, whatever the quantity, except as provided in (c) (8)

(8) Specific written authorization of War Production Board shall not be required for, and no limitation based on past use shall be applicable to, the acceptance of delivery by any person in any calendar quarter from all sources of not more than:

(i) 972 gallons of proprietary solvent for any purpose; or

(ii) 972 gallons of completely denatured alcohol for any purpose; or

(iii) 162 gallons of specially denatured alcohol, or 162 gallons of pure alcohol for any purpose other than the manufacture of rubbing alcohol compound or preparation or the manufacture of toiletries and cosmetics.

(d) *Acceptance of deliveries (and use by suppliers) upon specific authorization.* Each person seeking specific authorization to accept delivery of ethyl alcohol during any calendar quarter, whether for his own consumption or resale (and each supplier requiring authorization to use ethyl alcohol in any calendar quarter) shall file application therefor on or before the 5th day of the last month of the preceding quarter. The application will be made on Form WPB-2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(e) *Certain deliveries by suppliers of 7900 gallons or less per quarter* (1) A supplier may without specific authorization of the War Production Board deliver to any person who has filed with him a certificate substantially in the form set forth in Appendix C, the quantity of ethyl alcohol (in no case more than 7900 gallons in any calendar quarter) which such person is entitled to receive under one of the paragraphs (c) (1) to (c) (8) inclusive.

(2) A supplier may without such certificate and without authorization deliver not more than 162 gallons in any calendar quarter to any hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to acquire undenatured alcohol tax free.

(3) A supplier must not deliver ethyl alcohol where he knows or has reason to believe that the certificate is false, but in the absence of such knowledge or reason to believe he may rely upon it.

(4) If War Production Board issues written directions to suppliers reducing the quantities of ethyl alcohol which may be delivered pursuant to paragraph (e) (1) suppliers will rateably reduce all or

ders for ethyl alcohol from customers wishing it for the same class of use.

(f) *Deliveries by suppliers upon specific authorization.* Each supplier requiring specific authorization to deliver ethyl alcohol during any calendar quarter shall file application on or before the 15th day of the last month of the preceding quarter. The application will be made on Form WPB 2947- (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix B. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(g) *Special authorizations and directions.* (1) Authorizations and directions with respect to delivery to be made or accepted in each calendar quarter (and with respect to use by suppliers in each calendar quarter) will generally be issued by War Production Board prior to the beginning of such quarter, but War Production Board may at any time in its discretion, and notwithstanding the provisions of paragraphs (c) (1) to (c) (8) inclusive issue directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of ethyl alcohol.

(ii) Production of ethyl alcohol, including raw materials which may be used.

(2) War Production Board may issue to suppliers and other persons, other and different instructions with respect to the preparation or filing of Form WPB 2947 (formerly PD-602) and Form WPB 2945 (formerly PD-600)

(h) *Special restrictions; rubbing alcohol, anti-freeze, beverage use.* (1) No person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation: *Provided*, That this restriction shall not prevent deliveries to:

(i) A hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to receive undenatured alcohol tax free.

(ii) Licensed physicians, dentists and veterinarians.

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians.

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (h) (1) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such com-

pound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (6) hereof) for resale in accordance with this paragraph (h) (1) only.

(2) The restrictions of this order shall govern delivery of ethyl alcohol to and acceptance of delivery of ethyl alcohol by any person for use in the manufacture of anti-freeze preparations, provided that:

(i) Any person may deliver or accept delivery of completed anti-freeze preparations containing ethyl alcohol without specific authorizations under this order; and

(ii) Nothing contained in this order shall be construed to permit the manufacture, delivery or acceptance of delivery of any anti-freeze preparation in violation of § 1100.1, Limitation Order L-51, as from time to time amended.

(3) No person shall deliver or accept delivery of ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(i) *Special provisions; inventories, unfilled orders.* (1) Ethyl alcohol allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(2) Ethyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(j) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol shall be subject to all the provisions hereof.

(k) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Forms.* Forms WPB 2945 and WPB 2947, provided for in paragraphs (d) and (f) have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30.

Issued this 24th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, file one copy with each supplier with whom an order is placed, and retain the final copy for your files.

(3) *Information at top of page.* In the heading, under "Name of chemical," specify "Ethyl alcohol" under "WPB Order No.," specify "M-30" under "Indicate unit of measure," specify "Wine gallons." In space following heading "Name of supplier with whom this order is placed," state name of usual supplier and also specify his shipping point, if known.

(4) In headings at top of Tables I, III, and IV, substitute "quarter" for "month" and specify particular quarter and year; for example, "third quarter, 1943."

(5) *Proof.* In columns 1, 11 and 19, specify proof, whether pure or denatured, and if denatured, the formula number.

(6) *Primary product.* In column 3, applicant will specify his primary product in terms of the following:

Acetaldehyde.
Acetic acid (except vinegar for food use).
Adhesives.
Agricultural poisons.
Antiseptics for oral uses.
Basic medicinal chemicals not in compounded form.
Biological preparations.
Brake fluids.
Butadiene.
Candy glazes.
Cleaning and polishing preparations (specify).
Cutting oils.
Deodorant sprays (non-body).
Diethylamine.

Drugs and pharmaceuticals (other than rubbing alcohol and other products elsewhere in this paragraph specifically listed).
Dyes and intermediates (manufacture of).
Embalming fluids.
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (specify whether military or industrial).
Flavoring extracts.
Flotation reagents.
Food products (except candy glazes, pectin and vinegar).
Fulminate of mercury.
Glycols.
Hydrosulfites.
Laboratory and experimental.
Mouth washes (other than antiseptics).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Photographic materials (including photo engraving).
Shellac, natural or substitute.
Synthetic plastics and synthetic resins (manufacture of).
Rubbing alcohol compounds.
Styrene.
Toiletries and cosmetics (specify).
Tooth cleaning preparations.
Vinegar.
Witch hazel.
Xanthates.
Other products (specify).
Resale (as ethyl alcohol).
Inventory (as ethyl alcohol).

(7) *Product end use.* In column 4, applicant will specify ultimate use of the product which he manufactures. (Where, for example, applicant's primary product called for in column 3 is "ethylene glycol," the ultimate use of product might be "aircraft coolant.") Applicant must also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where Form WPB 2945 is application for ethyl alcohol for resale or inventory (in each case as ethyl alcohol), leave column 4 blank. If primary product called for in column 3 is under allocation pursuant to War Production Board order, indicate in column 4 "WPB allocation order number."

(8) In column 10 (Remarks) specify quantity of ethyl alcohol used by you in the manufacture of each primary product shown in column 3 in that calendar quarter of the 12-month period ended June 30, 1941, which corresponds to the quarter for which delivery is requested.

(9) *Tables II, III and IV.* Fill out completely Tables II, III and IV, except that Table IV need not be filled out for primary products under allocation. In Table II, substitute word "quarter" for "month" throughout.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Form WPB 2947 (formerly PD-602) may be obtained at local field offices of War Production Board.

(2) *Number of copies.* Prepare an original and three copies, file the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, retaining the third copy for your files.

(3) *Information at top of form.* In heading under "Name of Material," specify "Ethyl alcohol." Leave grade blank; under "WPB Order No.," specify "M-30" under "Indicate unit of measure," specify "Wine gallons."

(4) In heading "This schedule is for deliveries to be made during the month/quarter ending _____, 1941," strike out word "month" and insert the quarter and year to which the application relates.

(5) *Listing of customers.* In column 1 list the name of each customer from whom you have received a Form WPB 2945 (formerly PD-600) respecting a delivery in the applicable quarter. Do not list names of customers who have not filed with you Form PD-600. If it is necessary to use more than one sheet to list the customers, number each sheet in order and show on the last sheet total orders for customers whose Form WPB 2945 shows that they propose to accept more than 7,900 gallons in the calendar quarter and the total orders from customers whose Form WPB 2945 shows that they propose to receive not more than 7,900 gallons.

(6) *Primary product and end use.* It is not necessary to show primary product or end use with respect to a customer who files Form WPB 2945 (formerly PD-600). Instead, in column 1-a, opposite the name of each such customer, enter "WPB 2945."

(7) *Other orders to be lumped according to use.* In column 1, the supplier need not list names of customers to whom he proposes to make delivery in the applicable quarter, pursuant to paragraph (c) (1) of this order, but will instead show the total quantity of ethyl alcohol for which he has received orders for delivery in such quarter under each of the paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) and (c) (8). To do so, he will list in columns 1 and 1-a, for example, "Total quantity ordered for delivery under paragraph (c) (1)," and will list in column 4 the total quantity represented by the orders placed pursuant to such paragraph.

(8) *Proof.* In column 7 (remarks), specify proof, whether pure or denatured, and if denatured, the formula number with respect to all ethyl alcohol for which customer has filed WPB 2945. Do not show this information respecting orders for which WPB 2945 has not been filed and which are lumped under (7) above.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 specifying himself as his supplier shall list his own name as customer on Form WPB 2947.

(10) *Table II.* Each producer will report production, deliveries and stocks as required

by Table II, columns 9 to 16, inclusive. Distributors will fill out only columns 10, 12 and 13.

APPENDIX C—CUSTOMER'S CERTIFICATE ON CERTAIN DELIVERIES OF 7,900 GALLONS OR LESS (SEE PARAGRAPHS (C) (1) TO (C) (8), INCLUSIVE, AND (E) (1))

The undersigned hereby certifies to the War Production Board and to his supplier:

A. That the _____ gallons of ethyl alcohol hereby ordered for delivery in the _____ calendar quarter, 194____ [insert "fourth, 1943" "first, 1944" etc.] will be used for a class of use within paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) [strike out inapplicable paragraph numbers]; that the quantity used by the undersigned (in such class of use in the corresponding quarter of the 12 month period ended June 30, 1941, was _____ gallons, and that the amount ordered does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed _____ percent of the quantity used in such class of use in the corresponding quarter) or (in the manufacture of toiletries and cosmetics prior to July 1, 1943, did not exceed 162 gallons per calendar quarter) [strike out inapplicable clause in parentheses]

Or

B. That the ethyl alcohol hereby ordered for delivery in the _____ calendar quarter [insert "fourth, 1943" "first, 1944" etc.] does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed 972 gallons of proprietary solvent, or 972 gallons of completely denatured alcohol, or 162 gallons of specially denatured alcohol, or 162 gallons of pure alcohol, and will not be used for the manufacture of rubbing alcohol compound or preparation or for the manufacture of toiletries and cosmetics.

[Fill out A or B but not both.]

Date	Name of Purchaser
By _____	Duly Authorized Official Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) Prepare one copy for each supplier with whom an order is placed and one copy for your files. Wherever possible file certificate with supplier not later than the 5th day of the last month of the quarter preceding the quarter in which you wish to receive delivery. The certificate may be endorsed on the purchase order or be a separate paper. Do not file a copy with War Production Board.

(2) The certificate shall be signed by the purchaser, or an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

[F. R. Doc. 43-18851; Filed, November 24, 1943; 10:24 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,¹ Amdt. 16]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix L, Table 2.

APPENDIX L—STAVE AND HEADING BOLTS

TABLE 2

Area. The States of Alabama, Kentucky, and Tennessee by zones as outlined below:

Zone 1. The entire States of Kentucky and Tennessee.

Zone 2. The entire State of Alabama.

Species. Chestnut oak (*Quercus montana*) and all other species of oak of the genus (*Quercus*) known to the industry as white and red oak.

Scaling and grading rules. The basis for measurement shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specifications of 4' x 4' x 8' shall be made by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

Grade specifications—(1) Bourbon grade stave bolts must be of white oak species; 38" in length; sound, straight-grained, free of all visible defects and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4 or more inches of red or heartwood. The 4 inch square is to be measured at the small end of the bolt.

(2) Bourbon grade heading bolts must be of white oak species; 23 inches in length; sound, straight-grained, free of all visible defects, and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4½ or more inches of red or heartwood. The 4½ inch square is to be measured at the small end of the bolt.

(3) Oil grade mixed oaks stave bolts can include chestnut, red, and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4 inches of both heart and sapwood. The 4 inch square is to be measured at the small end of the bolt. The bolts are to be 38" in length.

(4) Oil grade mixed oaks heading bolts can include chestnut, red and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4½ inches of both heart and sapwood. The 4½ inch square is to be measured at the small end of the bolt. The bolts are to be 23" in length.

Maximum prices—Stave and heading bolts.

Zone 1

Bourbon Grade—\$26.50 per cord of 128 cubic feet.

Oil Grade—\$17.00 per cord of 128 cubic feet.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190.

Zone 2

Bourbon Grade—\$25.00 per cord of 128 cubic feet.

Oil Grade—\$16.00 per cord of 128 cubic feet. These prices to prevail f. o. b. cars or for bolts delivered to the mill by truck.

If the buyer takes delivery at some place other than on railroad cars or at his mill, the maximum prices must be reduced by either of the following, depending upon delivery point:

1. The cost per cord to the buyer of trucking bolts to the closest rail siding and loading on cars if delivery to mill is by rail.

2. The cost to the buyer of trucking bolts to his mill if delivery to mill is by truck.

The prices herein proposed will prevail for the purchase of bolts produced in the area described above and will prevail for all buying plants purchasing bolts in these areas whether or not the buying plants are located in the area.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18839; Filed, November 23, 1943; 3:59 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,¹ Amdt. 17]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix N, Tables 1 and 2.

APPENDIX N—HICKORY SPECIAL LOGS

TABLE 1

Area. Part or all of the States of Texas, Louisiana, Oklahoma, Arkansas, Missouri, Illinois, Mississippi, Alabama, Tennessee, Kentucky, Indiana, North Carolina, and Virginia by Zones as listed below:

Zone 1

That part of the State of Texas lying east of the east line of the counties of Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Falls, Milam and Burleson and north of the north line of the counties of Brazos, Grimes, Walker, San Jacinto, Polk, Tyler, Jasper and Newton.

That part of the State of Louisiana lying north of the north line of the parishes of Beauregard, Allen, Evangeline, St. Landry, and Pointe Coupee, and W. Feliciana.

That part of the State of Oklahoma lying east of the east line of the counties of McClain, Garvin, Murray, Carter and Love, and south of the south line of the counties of Pottawatomie, Seminole, Okfuskee, McIntosh, Haskell and Sequoyah.

That part of the State of Arkansas lying south of the Arkansas river.

Zone 2

That part of the State of Oklahoma lying east of the east line of the counties of Grant, Garfield, Logan, Oklahoma and Cleveland; and north of the north line of the Counties of Pontotoc, Hughes, Pittsburg, Latimer, and LeFlore.

That part of the State of Arkansas lying north of the Arkansas river, and west of the west line of the Counties of Marion, Searcy and Pope.

That part of the State of Missouri lying south of the south line of the Counties of Bates and St. Clair; and west of the west line of the counties of Polk, Greene, Christian and Taney.

Zone 3

That part of the State of Arkansas lying north of the Arkansas River east of the east line of the counties of Boone, Newton and Johnson; and west of the west line of the counties of Mississippi, Cross, St. Francis, Lee and Phillips; and west of the east line of the county of Desha.

Zone 4

That part of the State of Arkansas lying in the counties of Mississippi, Crittenden, Cross, St. Francis, Lee and Phillips.

Zone 5

That part of the State of Missouri lying east of the east line of the counties of Saline, Johnson, Henry, St. Clair, Cedar, Dade, Lawrence and Stone; and south of the Missouri river.

Zone 6

That part of the State of Missouri lying east of the east line of the counties of Mercer, Grundy, Livingston, Carroll and Saline; and north of the Missouri river.

That part of the State of Illinois lying in the counties of Adams, Pike, Calhoun, Brown, Scott, Greene and Jersey.

Zone 7

The entire State of Mississippi except the counties of DeSoto and Marshall.

That part of the State of Alabama lying north of the north line of the counties of Sumter, Greene, Hale, Bibb, Chilton, Coosa, Tallapoosa and Chambers.

That part of the State of Louisiana east of the Mississippi River.

Zone 8

That part of the State of Tennessee lying west of the Tennessee river, except for the counties of Shelby, Fayette, Haywood, Hardeman and Chester.

Zone 9

That part of the State of Mississippi lying in the counties of DeSoto and Marshall.

That part of the State of Tennessee lying in the counties of Shelby, Fayette, Haywood, Hardeman and Chester.

Zone 10

That part of the State of Tennessee lying east of the Tennessee River; west of the west line of the counties of Macon, Smith, DeKalb, Warren, Grundy and Marion.

That part of the State of Kentucky lying east of the Tennessee river; and west of the west line of the counties of Hardin, Larue, Green, Metcalf and Monroe.

Zone 11

That part of the State of Kentucky lying west of the Tennessee river.

That part of the State of Illinois lying south of the south line of the counties of Jersey, Macoupin, Montgomery, Shelby, Cumberland and Clark.

That part of the State of Indiana lying south of the south line of the counties of Fountain, Parke, Montgomery, Hendricks, Marion, Hancock, Henry and Wayne.

Zone 12

That part of the State of Tennessee lying east of the east line of the counties of Sumner, Trousdale, Wilson, Cannon, Coffee and Franklin, and west of the west line of Hawkins and Washington.

That part of the State of Kentucky lying east of the east line of the counties of Meade, Breckenridge, Grayson, Hart, Barren and Allen.

That part of the State of North Carolina lying west of the west line of the counties of Ashe, Wilkes, Caldwell, Burke, McDowell and Rutherford.

Zone 13

That part of the State of Virginia lying west of the west line of the counties of Craig, Roanoke, Franklin and Henry.

That part of the State of Tennessee lying east of the east line of the counties of Hancock, Grainger, Hamblen and Greene.

That part of the State of North Carolina lying in the counties of Ashe, Wilkes, Alleghany and Surry.

Zone 14

That part of the State of North Carolina lying in the counties of Caldwell, Burke, McDowell, Rutherford, Lincoln, Catawba and Alexander.

Species. All hickory logs and bolts used in the manufacture of specialty stock. This includes shagbark hickory (*Hicoria ovata*), Bigleaf shagbark hickory (*Hicoria laciniata*), Pignut hickory (*Hicoria glabra*) and Mockernut hickory (*Hicoria alba*).

Scaling rules. 1. All logs are to be scaled with the Doyle log rule with the diameter being measured inside the bark at the small end of the log and at the smallest diameter.

2. The basis for measurement of hickory bolts shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specifications of 4' x 4' x 8' shall be done by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

3. Logs are to be cut in even lengths unless otherwise specified by the buyer with the lowest acceptable length of 7 feet.

4. Bolts are to be cut into lengths specified by the buyer with the lowest acceptable length as 40 inches.

5. All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made include bird pecks, holes from any cause, windshake, brashy or light weight, decay, sap stain and crook. Crooked logs are to be scaled to actual measurement of usable portion.

Grading rules (logs or bolts).

1. **Extra quality:**

Must have a ring of white wood measuring not less than 3½ inches in from bark. 8"-15" in diameter—must have all clear faces and clear ends. 16" and over in diameter—must have at least 3 clear faces and clear ends.

2. **No. 1 quality:**

Must have a ring of white wood measuring not less than 2½ inches in from bark. 8"-15" in diameter—at least 3 clear faces and clear ends. 16" and over in diameter—at least 2 clear faces and clear ends.

3. **No. 2 quality:**

8" and up in diameter—at least 2 clear faces; and defects permitted. If the defects

No. 284—2

reduce the footage cut from the log more than 25 percent, the log will be classed as a cull.

4. **Timber run quality:**

A combination of Extra Quality, No. 1 and No. 2 logs or bolts containing not over 20 percent No. 2.

Face defects are knots, catfaces, seams, and ingrown bark.

End defects are bird pecks, holes from any cause, windshake, brashy or light weight, decay or sap stain.

Maximum Prices

(Prices for logs per M feet)

	Extra	No. 1	No. 2	Timber run
Zone 1.....	\$45.00	\$35.00	\$20.00	\$35.00
Zone 2.....	40.00	30.00	18.00	33.00
Zone 3.....	38.00	28.00	18.00	32.00
Zone 4.....	45.00	35.00	20.00	35.00
Zone 5.....	40.00	30.00	18.00	32.00
Zone 6.....	40.00	30.00	18.00	32.00
Zone 7.....	45.00	35.00	20.00	35.00
Zone 8.....	45.00	35.00	20.00	35.00
Zone 9.....	45.00	35.00	20.00	35.00
Zone 10.....	40.00	30.00	18.00	32.00
Zone 11.....	45.00	35.00	20.00	35.00
Zone 12.....	38.00	28.00	18.00	32.00
Zone 13.....	38.00	28.00	18.00	32.00
Zone 14.....	35.00	25.00	12.00	21.00

[Bolts per cord (128 cu. ft.)]

	Extra	No. 1	No. 2	Timber run
Zone 1.....	\$22.50	\$17.50	\$10.00	\$17.50
Zone 2.....	20.00	15.00	9.00	15.00
Zone 3.....	19.00	14.00	9.00	14.00
Zone 4.....	22.50	17.50	10.00	17.50
Zone 5.....	20.00	15.00	9.00	15.00
Zone 6.....	20.00	15.00	9.00	15.00
Zone 7.....	22.50	17.50	10.00	17.50
Zone 8.....	22.50	17.50	10.00	17.50
Zone 9.....	22.50	17.50	10.00	17.50
Zone 10.....	20.00	15.00	9.00	15.00
Zone 11.....	22.50	17.50	10.00	17.50
Zone 12.....	19.00	14.00	9.00	14.00
Zone 13.....	19.00	14.00	9.00	14.00
Zone 14.....	17.50	12.00	6.00	12.00

The above prices shall prevail:

1. Loaded on railroad cars at any rail siding.

2. Delivered to place at which water shipment is to begin.

3. Delivered by truck to the buyer's plant.

The seller cannot add to the maximum prices any charges for loading on cars or trucking to rail siding, to a place where water shipment is to begin, or to the buyer's plant.

If the buyer takes delivery at some place other than on railroad cars, or at a place where water shipment is to begin, or at his plant the maximum price must be reduced by the lower of the following:

1. The cost (per M feet log scale or per cord) to the buyer, of trucking logs or bolts to the closest rail siding and loading on cars.

2. The cost (per M feet log scale or per cord) to the buyer, of trucking logs or bolts to his plant.

These prices apply to hickory logs or bolts not purchased in conjunction with other species, but purchased on an individual selected basis.

Logs below 7 feet in length can be purchased on a board-foot log scale basis by paying 10 percent less than the log prices herein stipulated.

TABLE 2

Area. In the State of Alabama all counties south of and including the Counties of Sumter, Greene, Hale, Bibb, Chilton, Coosa, Tallapoosa, and Chambers.

Species. All hickory logs and bolts used in the manufacturing of specialty stock. This includes shagbark hickory (*Hicoria ovata*), Bigleaf shagbark hickory (*Hicoria laciniata*), Pignut hickory (*Hicoria glabra*) and Mockernut hickory (*Hicoria alba*).

Scaling rules. All logs are to be scaled with the Doyle Log Rule with the diameter being measured at the small end of the log at the smallest diameter and with all fractions of an inch counted back to the next lower figure.

Grading rules: Special grade. Must be 12" and up in diameter at the small end and show at least 4½ inches of White wood between the bark and heart and must be absolutely clear of all visible defects. Logs to be cut in 7' 8' 14' and 16' lengths with a minimum trim allowance of 6 inches.

Notes: Bird pecks, windshakes, worm holes, crooks and cross-grain is not permitted in this grade.

No. 1 grade. Must be 10 inches and up at the small end and must show at least 3 inches of White wood between bark and heart. Logs must be free from all visible defects and should be cut in 7' 8' 14' and 16' lengths.

Notes: Bird pecks, windshakes, worm holes, crooks and cross-grain not permitted in this grade.

No. 2 grade. Must be 9" and up at small end and must show at least 2 inches of White wood between bark and heart and must show at least two-thirds of clear cuttings not less than 3 feet long. Logs shall be cut 6' 9' or 12' in length.

Notes: Bird pecks, windshakes, worm holes, crooks and cross-grain not permitted in this grade.

Maximum prices

Per M feet log scale

Special grade..... \$45.00
No. 1 grade..... 40.00
No. 2 grade..... 20.00

These prices to prevail for hickory logs delivered to the mill. For logs not delivered to the mill these prices must be reduced by the cost of bringing the logs to the plant.

The prices herein proposed will be the maximum prices for the purchase of logs produced in the area described above and will prevail for all buying plants purchasing hickory logs in this area whether or not the buying plants are actually located in the area.

These prices apply for hickory logs not purchased in conjunction with other species, but purchased on an individual selected basis.

This regulation shall become effective November 29, 1913.

(56 Stat., 23, 765; Pub. Law 151, 73th Cong., E.O. 9250, 7 F.R. 7371, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of November 1913.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-18338; Filed, November 23, 1913; 4:03 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262; Amdt. 12]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amend-

17 F.R. 9244, 10344; 8 F.R. 262, 273, 437, 973, 2285, 9201, 10563, 11447.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 262 is amended in the following respects:

1. Subparagraph (8) of paragraph (a) is hereby deleted from § 1351.965.
2. The phrases "chocolate coated sugar cones" and "fig bars" are hereby deleted from § 1351.969.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator

[F. R. Doc. 43-18840; Filed, November 23, 1943;
4:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS [MPR 495]

MISCELLANEOUS BAKERY PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 that the maximum prices established for the commodities listed in Appendix A and Appendix B of this regulation be revised and set forth in the following Maximum Price Regulation No. 495. This regulation supersedes Maximum Price Regulation No. 262¹ and the General Maximum Price Regulation² insofar as said regulations apply to the commodities listed in Appendix A and Appendix B of this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1351.370 *Maximum prices for miscellaneous bakery products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 Maximum Price Regulation 495 (Miscellaneous Bakery Products) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.370 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 9201, 10568, 11040, 11447.

²8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955.

MAXIMUM PRICE REGULATION 495—MISCELLANEOUS BAKERY PRODUCTS

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Appendix A. Maximum prices for certain commodities.

Appendix B. Permitted increases in certain maximum prices.

SECTION 1. *Applicability.* The provisions of this Maximum Price Regulation No. 495 are applicable to the forty-eight states and the District of Columbia, and supersede Maximum Price Regulation No. 262 and the General Maximum Price Regulation with respect to every commodity listed in either Appendix A or B hereof.

SEC. 2. *Effect of maximum prices.* On and after November 29, 1943, regardless of any contract, agreement or other obligation, no producer, wholesaler or retailer (except wholesalers and retailers subject to the provisions of Maximum Price Regulations Nos. 421,³ 422⁴ and 423⁵) shall sell or deliver or agree, offer, solicit or attempt to sell or deliver, and no person shall buy or receive from any producer, wholesaler or retailer any of the commodities listed in Appendix A or B of this regulation at prices higher than the maximum prices permitted by Appendix A or B hereof. The maximum prices shall include commissions and all other customary charges and shall not be increased by any charges for the extension of credit.

SEC. 3. *Less than maximum prices.* Lower prices than those set forth in Appendix A or B hereof may be charged, demanded, paid or offered.

SEC. 4. *Export sales.* The maximum prices at which a producer or other person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Regulation issued by the Office of Price Administration.

SEC. 5. *Notification of change in maximum prices.* With the first delivery of any commodity listed in Appendix A or B hereof, after a seller changes a maximum price pursuant to any provision of this regulation or of any amendment thereto he shall:

(a) Supply each wholesaler and retailer subject to the provisions of Maximum Price Regulation No. 421, 422 or 423, who purchases from him with written notice as set forth below:

³8 F.R. 9388, 10569, 10987, 13293.

⁴8 F.R. 9395, 10569, 10987, 12443, 12611, 13294.

⁵8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

⁶8 F.R. 4132, 5987, 7662, 9998.

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS SUBJECT TO MAXIMUM PRICE REGULATIONS NO. 421, 422 OR 423

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after (insert date when new price becomes effective). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the processor shall include in each case or carton containing the item the written notice set forth above or firmly attach it to each case or carton in an envelope bearing the words "Notice of authorized change in price contained herein."

(b) Notify each purchaser of the item from him who is a distributor, wholesaler or retailer not subject to Maximum Price Regulation No. 421, 422 or 423 of such change in maximum price by the following written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after the new price becomes effective:

(Insert date)

NOTICE TO DISTRIBUTORS, WHOLESALERS OR RETAILERS NOT SUBJECT TO MAXIMUM PRICE REGULATIONS NO. 421, 422, OR 423.

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed from \$----- to \$----- under the provisions of Maximum Price Regulation No. 495. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (insert date when new price becomes effective), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 5 of Maximum Price Regulation No. 495.

SEC. 6. *Establishment of new maximum prices.* Products, wholesalers and retailers who have not established maximum prices for any of the commodities listed in Appendix B hereof, prior to the effective date of this regulation, shall determine such maximum prices in accordance with the provisions of the General Maximum Price Regulation.

SEC. 7. *Records and reports.* Every person subject to this regulation making a sale or purchase of any commodity listed in Appendix A or B hereof in the course of trade or business on or after the effective date of this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, complete and accurate records of such sales and purchases in-

cluding the date thereof, and the price paid or received.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities listed in either Appendix A or B hereof, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or privilege, or by tying-agreement or other trade understanding or otherwise.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended. Persons having evidence of any violation of this regulation are urged to communicate with the nearest field, state or regional office of the Office of Price Administration, or with the principal office in Washington, D. C.

SEC. 10. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1,⁹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Definitions.* When used in this regulation the term:

(a) "Producer" means a person, firm or corporation operating an establishment producing, manufacturing or processing a commodity listed in Appendix A or B hereof for the wholesale or retail trade.

(b) A "wholesaler" or "retailer" respectively shall be deemed to be a person making "sales at wholesale" or "sales at retail" as defined under the General Maximum Price Regulation.

(c) "Fig bars" means biscuits containing a minimum of 20% of fig paste as an ingredient in the filling placed between two crusts of dough.

(d) All other commodities listed in either Appendix A or B hereof and not heretofore specifically defined are those which customarily have been known and sold under those names.

APPENDIX A—MAXIMUM PRICES FOR CERTAIN COMMODITIES

(a) Except as hereinafter provided in this section the maximum prices for producers and wholesalers (except wholesalers who are

⁹ The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

⁷ 7 F.R. 8961; 8 F.R. 3533, 6173, 11806.

⁸ 8 F.R. 13240.

subject to Maximum Price Regulation No. 421) for each of the commodities listed below are as follows:

Commodity	Size	Maximum price
Chocolate coated ice cream cones..	4½	\$0.15
	4	0.10
	3½	4.50

(b) In the states of California, Idaho, Nevada, Oregon and Washington the maximum prices for the chocolate coated ice cream cones specified in paragraph (a) of this section 13 may be increased 45 cents per thousand.

Commodity	Permitted increase
Cracknells (Egg biscuits).....	2 cents per pound.
Fig Bars:	
Packaged (2 pounds or under).....	4 cents per pound.
Packaged (over 2 pounds) and bulk.....	3 cents per pound.
Ice Cream Cones:	
Cake cones.....	25 cents per thousand.
Sugar rolled cones.....	40 cents per thousand.
Cups.....	40 cents per thousand.
Trenton Oyster Crackers.....	2½ cents per pound.
(Maximum prices for Trenton oyster crackers shall in no case exceed 18½ cents per pound if sold in bulk (over 1 pound); \$2.46 per dozen packages if sold in one pound packages or \$1.23 per dozen packages if sold in one-half pound packages.)	

This regulation shall become effective November 29, 1943.

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-18841; Filed, November 23, 1943; 3:59 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 334,¹ Amdt. 1]

RABBITS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1364.1062 (a) (12) is amended to read as follows:

(12) "Sales at retail" means sales of dressed rabbits to the ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80 percent of whose sales of rabbit meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-18842; Filed, November 23, 1943; 4:01 p. m.]

¹ 8 F.R. 2505.

(c) Producers of chocolate coated ice cream cones in any size other than one of the sizes specified in paragraph (a) of this section 13 shall, at least twenty days before offering such commodity for sale, file an application for a maximum price with the Office of Price Administration in Washington, D. C.

APPENDIX B—PERMITTED INCREASES IN CERTAIN MAXIMUM PRICES

The maximum prices established by any producer, wholesaler or retailer (except wholesalers and retailers who are subject to Maximum Price Regulation No. 421, 422 or 423) pursuant to Maximum Price Regulation No. 262 or the General Maximum Price Regulation, as the case may be, for each of the following commodities may be increased by the amounts set forth below:

PART 1370—ELECTRICAL APPLIANCES

[MPR 294,² Amdt. 3]

USED HOUSEHOLD VACUUM CLEANERS, AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 294 is amended in the following respect:

1. Section 1370.85 (f) is amended by changing the maximum wholesale price "as is" of the Airway Model No. 35 from \$3.50 to \$4.50; and the maximum retail price rebuilt and guaranteed from \$23.00 to \$26.00.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-18843; Filed, November 23, 1943; 4:00 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,³ Incl. Amdt. 85]

MILEAGE RATIONING: GASOLINE REGULATIONS

Sections 1394.8017 and 1394.8103 (e) added by Amendment 85, effective De-

² 8 F.R. 139, 3523, 8979.

³ 7 F.R. 9135.

ember 1, 1943, so that Ration Order 5C shall read as follows:

Pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q issued November 6, 1942.

It is hereby ordered, That:

[Preamble as amended by Amendment 84, effective 11-18-43]

SCOPE OF RATION ORDER NO. 5C

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1394.7501 Territorial limitations.
1394.7502 Scope of restrictions.
1394.7503 Effect of Ration Order No. 5C on outstanding rations.
1394.7504 Effect on other ration orders.

DEFINITIONS

- 1394.7551 Definitions.

ADMINISTRATION, PERSONNEL AND JURISDICTION

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1394.7602 Jurisdiction of Boards over issuance of rations.
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AUTHORITY: §§ 1394.7501 to 1394.8353, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 63, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WFB Directive No. 1, 7 F.R. 562, Supp. Directive No. 1Q *supra*; E.O. 9125, 7 F.R. 2719.

SCOPE OF RATION ORDER NO. 5C

§ 1394.7501 *Territorial limitations.* Except as otherwise expressly provided all of the provisions of Ration Order No. 5C shall apply to the entire area included within the continental limits of the United States.

§ 1394.7502 *Scope of restrictions.* Nothing in Ration Order No. 5C shall be construed to:

(a) Limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission of the United States.

(b) Limit the quantity of gasoline which may be acquired by any person, for export to and consumption or use in any foreign country.

(c) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

§ 1394.7503 *Effect of Ration Order No. 5C on outstanding rations.* (a) Except as provided in paragraphs (b) and (c) of this section and § 1394.8180 no provision of Ration Order No. 5C shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5A. *Provided, That, after November 30, 1942, no ration issued pursuant to Ration Order No. 5A shall be renewed except pursuant to the provisions of Ration Order No. 5C.*

[Paragraph (a) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(b) All rations represented by Class S coupons issued pursuant to Ration Order No. 5A, and all service rations issued pursuant to Ration Order No. 5A whether represented by S coupons or bulk coupons and rations issued pursuant to Ration Order No. 5A to lessees of vehicles and boats available for public rental shall expire at 12:01 a. m., December 1, 1942, and the coupons representing such rations shall be void, after November 30, 1942, and shall within five (5) days be surrendered to the issuing Board.

[Paragraph (b) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(c) No ration issued pursuant to Ration Order No. 5A may be used for a purpose prohibited by the provisions of Ration Order No. 5A or Ration Order No. 5C. All rations issued pursuant to Ration Order No. 5A shall be subject to modification, revocation and redetermination pursuant to the provisions of Ration Order No. 5C.

§ 1394.7504 *Effect on other ration orders.* No allotment of gasoline issued pursuant to Ration Order No. 5C for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A² or Ration Order No. 2A or any other automobile rationing regulation or to remove or avoid any disqualification of such vehicle under such ration orders or regulations.

[§ 1394.7504 as amended by Amendment 24, 8 F.R. 2353, effective 3-1-43]

DEFINITIONS

§ 1394.7551 *Definitions.* (a) When used in Ration Order No. 5C:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration, or a Plant Area Board or other Board established by the Office of Price Administration and

² 8 F.R. 9752.

designated by such Office to serve the workers in specified industrial or extractive establishments.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than: (i) into the fuel tank of a registered or commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or (ii) into the fuel supply-tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Certificate of War Necessity" or "certificate" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(5) "Commercial motor vehicle" means (i) a straight truck; a combination truck-tractor and semi-trailer, a combination truck-tractor and full trailer, or a combination truck-tractor, semi-trailer and full trailer; or any other rubber-tired motor vehicle (other than a motorcycle) built (or rebuilt) primarily for the purpose of transporting property on the highways; and (ii) any of the following motor vehicles used in the transportation of persons upon the highways: any bus; any ambulance or hearse; any taxicab or jitney; any motor vehicle (other than a motorcycle) available for public rental; any station wagon or suburban carry-all available for hire or public rental; and any other motor vehicle other than a passenger automobile or motorcycle.

(6) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(7) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(8) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(9) "Equipment," when used in §§ 1394.7653 (c) 1394.7705 (d) 1394.7753, 1394.7755 (d) 1394.7758 (d) 1394.8009 (b) and (c) and 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

[Paragraph (9) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(10) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, checks, acknowledgments of delivery, gasoline purchase permits, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

[Paragraph (10) amended by Amendment 18, 8 F.R. 1282, effective 1-27-43 and Amendment 73, 8 F.R. 13124, effective 9-29-43]

(11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of the three or more commercial vehicles owned or operated by the same person.

(12) "Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) or having a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36) except:

(i) Fuel oil as defined in Ration Order No. 11, naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines. Any quantity of the foregoing products which is used or blended for use as fuel in internal combustion engines shall be deemed to be gasoline when the product so used or blended is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36)

(ii) Any finished petroleum product having an octane rating of 85 or more (ASTM D-42T) or any component thereof used for the propulsion of aircraft. Any quantity of such a product which is used for a purpose other than the propulsion of aircraft shall be deemed to be gasoline when the product so used is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36) and

(iii) Liquefied petroleum gases, regardless of use.

[Paragraph (12) as amended by Amendment 22, 8 F.R. 2098, effective 3-8-43]

(13) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(14) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on.

[Paragraph (14) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(15) "Inventory coupon" means a one-gallon or one-hundred-gallon coupon is-

sued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5 C.

(16) "Issuing Board" means the Board which issued a particular gasoline ration.

(17) "Licensed distributor" means any person who transfers, receives or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. Such person is a licensed distributor only in that State to which he is required to account directly for motor fuel taxes. The term shall include all persons who are licensed or bonded by the State for this purpose and all facilities of a licensed distributor, as defined in § 1394.7551 (a) (56) except those persons who acquire gasoline solely for their own use and who have received permission to operate as consumers. Persons who acquire gasoline solely for their own use may apply to the Office of Price Administration, Washington, D. C., for permission to operate as consumers. Such application shall be in writing, in duplicate, and shall contain the applicant's name, business name and address, the nature of his operations, the state or states in which he is licensed and in which he desires to operate only as a consumer, and a statement that all gasoline acquired will be used by him. The Office of Price Administration may grant to such an applicant permission to operate as a consumer and may fix the date and conditions upon which such permission shall become effective.

[Paragraph (17) as amended by Amendment 56, 8 F.R. 9021, effective 7-1-43]

(18) "Limitation area" means the entire eastern part of the continental United States up to and including all of the counties of Niagara, Erie, Wyoming, Livingston and Steuben in the State of New York; Tloga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chathahoochee, Stewart, Quitman, Clay, Early, Seminole, and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida: *Provided*, That if part of an incorporated or unincorporated city, town or village is located within the limitation area, all of such city, town or village shall be deemed to be within such area.

(19) "Motorcycle" means any motor vehicle designed for highway operation on three wheels or less, but does not include tractors.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle and in no event larger than 4.50-18.

(21) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(22) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(23) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(24) "Mounted," as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted but not in excess of one tire for each wheel and one spare for each motor vehicle.

(25) "Non-highway use" means any use of gasoline other than (i) for the propulsion of a registered motor vehicle, a commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates, or (ii) for the operation of machinery or equipment mounted on a commercial motor vehicle.

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(28) "Official" as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a Federal, State, local or foreign government or government agency, other than by the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act, as amended.

(29) "Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

(30) "Passenger automobile" means any motor vehicle, other than an ambulance, hearse, taxicab, jitney, or motorcycle, which is built primarily for the purpose of transporting persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

[Paragraph (30) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(31) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile excluding motorcycle tires and tires located outside the continental United States.

(32) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(33) "Ration," as the context requires, means either a right to acquire and use gasoline as authorized by a board, subject to the provisions of Ration Order No. 5C, or the amount of gasoline acquired pursuant to such authority or both. A ration may be evidenced by credits in a ration bank account, checks issued against ration credits, or by gasoline deposit certificates, coupon books or coupons issued by a board on the basis of an application.

[Paragraph (33) as amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(34) "Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5A or 5C.

(35) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a State, territorial or foreign government.

(36) "Scrap," as applied to a tire, means incapable of being repaired for use.

(37) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(38) "State" includes the District of Columbia.

(39) "State motor fuel tax administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by a State on the transfer, receipt or use of gasoline.

(40) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(41) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(42) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(43) "Vehicle available for public rental" means a registered motor vehicle built or rebuilt primarily for the purpose of transporting persons, having a seating capacity of less than ten, which is leased from or held for rental by a motor vehicle rental agency.

[Paragraph (43) as amended by Amendment 74, 8 F.R. 13251, effective 10-1-43]

(44) "Gasoline shortage area" means the States of Connecticut, Delaware, Georgia, except the portions which lie within the corporate limits of the cities of Rossville and West Point, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, except the portions which lie within the corporate limits of the cities of Sharon, Sharpsville, Farrell and Wheatland, Rhode Island, South Carolina, Vermont, Virginia, except the portions which lie within the corporate limits of the cities of Bristol and Bluefield, the District of Columbia, the portion of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton, and the State of Florida except the area which lies west of the counties of Gadsden, Liberty and Franklin.

[Paragraph (44) added by Amendment 6, 7 F.R. 10787, effective 12-21-42 and amended by Amendment 17, 8 F.R. 1265, effective 2-1-43, Amendment 21, 8 F.R. 1695, effective 2-10-43, Amendment 40, 8 F.R. 4850, effective 4-19-43, Amendment 55, 8 F.R. 8180, effective 6-19-43 and Amendment 64, 8 F.R. 9457, effective 7-14-43]

(45) "Account" means a gasoline ration bank account carried by a bank, in which the bank keeps a record of deposits of gasoline evidences and of transfers of gasoline ration credits.

(46) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.

(47) "Check" means a gasoline ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(48) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(49) "Issue" when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(50) "Ration credits" means the credits in an account reflecting deposits of gasoline evidences.

[Paragraphs (45), (46), (47), (48), (49), and (50) added by Amendment 18, 8 F.R. 1282, effective 1-27-43]

(51) [Revoked]

[Paragraph (51) added by Amendment 23, 8 F.R. 2213, effective 2-24-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(52) [Revoked]

[Paragraph (52) added by Amendment 46, 8 F.R. 5756, effective 5-2-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(53) [Revoked]

[Paragraph (53) added by Amendment 46 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(54) "Gasoline deposit certificate" means a certificate issued by a board, valid for transferring gasoline ration credits to the ration bank account of the person to whom it is issued.

[Paragraph (54) added by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(55) "Restricted area" means the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except the portions which lie within the corporate limits of the Cities of Sharon, Sharpsville, Farrell and Wheatland) Rhode Island, Vermont, Virginia (except the portions which lie within the corporate limits of the Cities of Bristol and Bluefield) and the District of Columbia and the portion of the State of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton.

[Paragraph (55) added by Amendment 54, 8 F.R. 8009, effective 6-14-43]

(56) "Facilities of a licensed distributor" shall include all places of business from which gasoline is transferred to other persons and which are operated by, or receive gasoline only on consignment from a licensed distributor located in the same state, unless:

(i) Title to such gasoline passes from the licensed distributor before transfer from such facility or

(ii) State motor fuel taxes are paid upon the physical delivery of gasoline to such facility.

[Paragraph (56) added by Amendment 56, 8 F.R. 9021, effective 7-1-43]

(57) "Earliest renewal date" means the first day following the last day of the period for which a particular ration was issued. It is the first day upon which a renewal of a ration may be valid for use.

[Paragraph (57) added by Amendment 67, 8 F.R. 10082, effective 7-24-43]

(58) "Area A" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

(59) "Area B" means the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan,

Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, the portion of the State of Florida which lies west of the counties of Gadsden, Liberty and Franklin, the portion of the State of West Virginia which lies west of the counties of Grant and Pendleton, the portions of the State of Georgia which lie within the corporate limits of the Cities of Rossville and West Point, the portions of the State of Pennsylvania which lie within the corporate limits of the Cities of Farrell, Sharon, Sharpsville and Wheatland, and the portions of the State of Virginia which lie within the corporate limits of the Cities of Bluefield and Bristol.

[Paragraphs (58) and (59) added by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL AND JURISDICTION

§ 1394.7601 *Personnel.* (a) Ration Order No. 5C shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) [Revoked]

[Paragraph (b) revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(c) No person participating in the administration of Ration Order No. 5C shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1394.7602 *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Ration Order No. 5C, a Board other than a Plant Area Board or other Board specially designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments, shall have jurisdiction over:

(1) The issuance of basic rations:

[Paragraph (1) amended by Amendment 1, 7 F.R. 9787, effective 11-21-43 and Amendment 84, effective 11-18-43]

(2) The issuance of rations (other than basic rations) for motor vehicles normally garaged or stationed in the area which the Board is designated to serve: *Provided*, That rations for fleet or official vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles;

[Paragraph (2) as amended by Amendment 32, 8 F.R. 3255, effective 3-20-43]

(3) The issuance of non-highway rations:

(i) For inboard motorboats, outboard motors or non-highway vehicles normally kept or stationed in the area which the Board is designated to serve;

(ii) For machinery or equipment located in the area which the Board is designated to serve;

(iii) For other non-highway use.

(4) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (1) (2) or (3) of this section; any person applying for a ration pursuant to this paragraph, for a registered or commercial motor vehicle, shall furnish the Board with the address of the place (if any) where such vehicle is normally garaged or stationed;

(5) The issuance of a ration for use with a motor vehicle, inboard motorboat, or outboard motor which is normally garaged, stationed or kept outside of the area included within the continental limits of the United States.

(b) For the purpose of Ration Order No. 5C, a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over:

(1) The issuance of basic, supplemental, and special rations for the motor vehicles of workers employed in the specified industrial or extractive establishments which such Board is designated to serve.

(i) No such Board shall have jurisdiction to issue any basic, supplemental or special ration for the motor vehicle of a worker employed in industrial or extractive establishments which it is designated to serve if such worker has made application, during the time he was so employed, for a ration for such vehicle under Ration Order No. 5C to the Board having jurisdiction over the area in which such vehicle is normally garaged or stationed: *Provided however* That such plant area or other specially designated Board shall have jurisdiction to issue such ration if the applicant, since the time of making application to the Board having jurisdiction over the area in which his vehicle was normally garaged or stationed, has moved his residence and the place at which his vehicle is normally garaged or stationed to an area within the jurisdiction of another Board, and has not made application for such ration to such other Board.

(c) For the purposes of Ration Order No. 5C, no Board other than a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over the issuance of a basic, supplemental or special ration to an applicant employed at such industrial or extractive establishments if such applicant has made application for a basic, supplemental or special ration to a Plant Area Board or other Board designated to serve such industrial establishment unless the applicant since the time of mak-

ing application to such Board has changed his place of employment and is no longer in the jurisdiction of such Board.

(d) No person shall be entitled to receive or to use a ration issued by a Board which does not have jurisdiction over the issuance thereof in accordance with this section.

(e) Notwithstanding any other provisions of this section, no Board in Area A may issue a supplemental, fleet or official ration, or a ration pursuant to the provisions of §§ 1394.7757 or 1394.7758, for any vehicle normally garaged or stationed in Area B or in the gasoline shortage area, no Board in Area B may issue such a ration for any vehicle normally garaged or stationed in Area A or in the gasoline shortage area and no Board in the gasoline shortage area may issue such a ration for any vehicle normally garaged or stationed in Area A or Area B.

[Paragraph (e) added by Amendment 6, 7 F.R. 10787, effective 12-21-42 and amended by Amendment 71, 8 F.R. 11429, effective 8-16-43 and Amendment 83, 8 F.R. 15460, effective 11-9-43]

§ 1394.7603. *Action on applications.* The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

§ 1394.7604 *Records of applications.* (a) [Revoked]

[Paragraph (a) revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(b) Except as provided in paragraph (c) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or from any application site.

(c) A Board, after passing upon an application for a ration for use with a motor vehicle, made before it pursuant to paragraph (a) (4) of § 1394.7602, shall forward such application through the District Director to the Board having jurisdiction under paragraph (a) (2) or (a) (3) of that section.

[Paragraph (c) as amended by Amendment 79, 8 F.R. 14345, effective 10-25-43]

BASIC RATIONS

§ 1394.7651. *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle, except that no basic ration shall be issued for use with any motor vehicle which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

(e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.

[§ 1394.7651 amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 83, 8 F.R. 15460, effective 11-9-43]

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "Basic" shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) which relates to the tailoring of coupons from books issued after the beginning of the ration period, each Class A book issued in the gasoline shortage area for use after November 8, 1943 shall contain forty-eight coupons, and each Class A book issued within the gasoline shortage area and each Basic Class D book shall contain, when issued for use after July 21, 1943, forty-eight coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below:

Coupons numbered	Valid period
3	November 22, 1942, to January 21, 1943, inclusive.
4	January 22, 1943, to March 21, 1943, inclusive.
5	March 22, 1943, to May 21, 1943, inclusive, outside the gasoline shortage area, and from March 22, 1943 to July 21, 1943, inclusive in the gasoline shortage area.
6	May 22, 1943, to July 21, 1943, inclusive, outside the gasoline shortage area, and from July 22, 1943, to November 8, 1943, inclusive, in the gasoline shortage area.
7	July 22, 1943, to September 21, 1943, inclusive, outside the gasoline shortage area.
8	September 22, 1943, to November 21, 1943, inclusive, outside the gasoline shortage area, and from November 9, 1943, to February 8, 1944, inclusive, in the gasoline shortage area.
9	November 22, 1943, to January 21, 1944, inclusive, outside the gasoline shortage area, and from February 9, 1944, to May 8, 1944, inclusive, in the gasoline shortage area.
10	January 22, 1944, to March 21, 1944, inclusive, outside the gasoline shortage area, and from May 9, 1944 to August 8, 1944, inclusive, in the gasoline shortage area.
11	March 22, 1944, to May 21, 1944, inclusive, outside the gasoline shortage area.
12	May 22, 1944, to July 21, 1944, inclusive, outside the gasoline shortage area.

Coupons in Basic Class D books issued for use after July 21, 1943 shall be valid

for transfer of gasoline to a consumer at any time before November 12, 1944.

[§ 1394.7652 amended by Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 63, 8 F.R. 10364, effective 7-22-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, Amendment 77, 8 F.R. 13391, effective 10-1-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

§ 1394.7653 *Application for and issuance of basic rations.* (a) Application for a basic ration book may be made to a Board on Form OPA R-534. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

[Paragraph (a) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42 and Amendment 71, 8 F.R. 11429, effective 8-16-43]

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought and may not be signed by an agent: *Provided*, That the Board may accept an application signed by a duly authorized agent of the registered owner if the applicant for whom the agent is acting is physically unable to sign or is outside the jurisdiction of the Board with which application is filed.

(c) Each applicant for a basic ration shall state:

(1) The serial number of all tires mounted (including one spare) on the vehicle for which application is made; and

(2) The number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) Pursuant to such application, the Board shall issue a basic ration. Before issuing a Class A or Basic Class D ration book the Board shall remove coupons from the book according to the following formula:

(1) From a Class A book issued outside the gasoline shortage area: All expired coupons and one currently valid coupon for each full eight days which have elapsed in the "valid period" during which such book is issued;

(2) From a Class A book issued in the gasoline shortage area:

(i) In respect to a Class A book issued before November 9, 1943, all expired coupons and one currently valid coupon for each full fourteen days which have elapsed in the "valid period" during which such book is issued;

(ii) In respect to a Class A book issued on or after November 9, 1943, all expired coupons and one currently valid coupon for each full twelve days which have

elapsed in the "valid period" during which such book is issued.

[Paragraph (2) as amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

(3) From a Basic Class D book issued after October 11, 1943 in Area A, one coupon for each full ten days which have elapsed between July 21, 1943 and the date of issuance.

[Paragraph (3) as amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(4) From a Basic Class D book issued after August 16, 1943 in Area B or in the gasoline shortage area, one coupon for each full ten days which have elapsed between July 21, 1943 and the date of issuance.

[Paragraph (d) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 49, 8 F.R. 6441, effective 5-21-43, Amendment 68, 8 F.R. 10364, effective 7-22-43, and Amendment 71, 8 F.R. 11429, effective 8-16-43].

(e) No basic ration shall be issued unless the applicant has certified in the application that no passenger-type tires required to be reported in such applica-

tion pursuant to paragraph (c) (2) of this section are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption. No person shall be entitled to a basic ration if, at the time of issuance, the registered owner of the vehicle or any person living in his household and related to him by blood, marriage or adoption owns tires required to be reported in an application pursuant to paragraph (c) (2) of this section.

[Paragraph (e) as amended by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(f) No basic ration may be issued for a vehicle while another currently valid basic ration issued for use with the same vehicle is outstanding, except as provided in §§ 1394.7654 and 1394.8007. (These sections relate respectively to certain movements into and out of the gasoline shortage area, and to replacement of lost or wrongfully withheld coupons.) No person, except as provided below in these sections or as provided in this section, shall be entitled to receive more than one basic ration for the same vehicle during any of the following periods:

Class A rations outside the gasoline shortage area.	July 22, 1943 to July 21, 1944, inclusive.
Class A rations within the gasoline shortage area.	July 22, 1942 to November 8, 1943, or November 9, 1943 to December 30, 1944, inclusive.
Basic Class D rations	July 22, 1942 to November 11, 1944, inclusive.

However, any person may apply for reissuance of a basic ration in any of the following cases:

(1) If he has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued;

(2) If he has surrendered a basic ration to a Board by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942;

(3) If he has brought a passenger automobile into the gasoline shortage area after May 21, 1943, with the intention of keeping such automobile in that area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

(4) If he has brought a passenger automobile outside the gasoline shortage area after July 21, 1943, with the intention of keeping such automobile outside the gasoline shortage area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

Application for reissuance shall be made on part A of Form OPA R-534. In case the application is made for either of the reasons specified in Items (1) or (2) of this paragraph, the applicant shall attach thereto a statement in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof and the reason therefor. In the

event that the Board is satisfied that the applicant surrendered such a ration in good faith the Board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided*, That no coupon book reissued for the reasons specified in this paragraph shall contain coupons in excess of the number prescribed in paragraph (d) of this section.

[Paragraph (f) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 49, 8 F.R. 6441, effective 5-21-43, Amendment 69, 8 F.R. 10365, effective 7-23-43, Amendment 77, 8 F.R. 13391, effective 10-1-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(g) [Revoked]

[Paragraph (g) revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

§ 1394.7654 *Class B coupons issued as a basic ration in exchange for Class A coupons.* (a) Any holder of a Basic A ration who desires to drive the vehicle for which such ration was issued for a period of less than four months outside the area in which the vehicle is normally garaged or stationed and who does not have Class A coupons valid for use outside such area may apply to any Board to exchange one or more legally issued Class A coupons issued for use with such vehicle and currently valid for transfers of gasoline in the area in which such vehicle is normally garaged or stationed for a ration book containing Class B coupons upon a basis of one Class A coupon for one Class B coupon.

(b) If the applicant satisfies the requirements of this section the Board shall issue as a basic ration one Class B book containing the same number of coupons as the number of Class A coupons surrendered and shall remove from such book and cancel all coupons in excess of such number. The Board shall note on the outside cover of such book the date of issuance, the date on which the ration expires (which shall be the expiration date of the surrendered coupons) and that the book will expire on that date. The Board shall also mark such book "basic" The ration so issued shall be a basic ration for all purposes under Ration Order No. 5C.

[§ 1394.7654 added by Amendment 69, 8 F.R. 10365, effective 7-23-43]

SUPPLEMENTAL RATIONS

§ 1394.7701 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.7702) to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to § 1394.7704:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B, C, and D books shall contain the number of coupons specified in the tables set forth in § 1394.7705 (according to the type of book and the area in which it is issued) necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or supplemental Class D book shall have a value of one unit. Coupons in Class B, C and supplemental Class D books shall authorize the transfer of gasoline to consumers from the validity date, which shall be noted on the ration book by the issuing Board, until such rations or books expire or are revoked.

[Paragraph (b) amended by Amendment 37, 8 F.R. 3616, effective 3-22-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) In Area A and in Area B applicants for supplemental rations are deemed to have available sixty miles per month of occupational driving by using the basic ration to which they are entitled. In the gasoline shortage area such applicants are deemed to have available sixty miles per month of such driving in respect to motorcycles and are deemed to have no such mileage available in respect to passenger automobiles. Supplemental rations may be issued to provide only occupational mileage allowed by the Board in excess of any occupational mileage deemed available in the basic ration. However, no deduction for any such mileage deemed available in the basic ration shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since an ap-

appropriate deduction is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are issued.

[Paragraph (c) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 71, 8 F.R. 11429, effective 8-16-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(d) [Revoked]

[Paragraph (d) added by Amendment 4, 7 F.R. 10338, effective 12-15-42, amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, and Amendment 37, 8 F.R. 3616, effective 3-22-43; and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

§ 1394.7702 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued or for use with any motor vehicle which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

(e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.

[§ 1394.7702 amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 83, 8 F.R. 15460, effective 11-9-43]

§ 1394.7703 *Application for supplemental rations.* (a) Application for a supplemental ration may be made to a Board on or after November 12, 1942, on Form OPA R-535, by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of

the type described in paragraph (a) of § 1394.7704, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

§ 1394.7704 *Allowance of mileage.* (a) Except as provided in paragraphs (c) and (e) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of § 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

[Paragraph (a) as amended by Amendment 42, 8 F.R. 5267, effective 4-24-43]

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, extractive, in-

dustrial, military or naval establishment at which more than one hundred (100) persons are employed, the application, if made for a ration to be used for transporting such applicant or principal user to and from such place of employment, must be certified as indicated thereon by an official in charge of an organized transportation plan at such establishment.

(4) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(5) An application for a supplemental ration for driving by an officer, agent, representative or employee of a government or government agency for carrying on the official business of such government or government agency must be certified, as indicated thereon, by a government mileage administrator (or by his authorized agent) if one has been designated by such government or government agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof in respect to which the application is made. If no such government mileage administrator has been designated, such application must be certified by an officer who is empowered to authorize or supervise travel for such government or government agency.

[Paragraph (5) added by Amendment 53, 8 F.R. 9065, effective 7-7-43]

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage: *Provided*, That except in accordance with the provisions of § 1394.7707, no Board in Area A or in Area B may allow an average of more than 480 miles per month, and no Board in the gasoline shortage area may allow an average of more than 320 miles per month, for any occupational mileage other than preferred mileage as defined in § 1394.7706. The Board may allow an average mileage in excess of such maximum only if

the excess consists of such preferred mileage or additional mileage allowed pursuant to § 1394.7707.

[Paragraph (b) amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 23, 8 F.R. 2213, effective 2-24-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, Amendment 77, 8 F.R. 13391, effective 10-1-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(c) A board having jurisdiction over an area (1) which is adequately served by subway, elevated railroad, or railroad commutation service, or (2) which has been determined by the Regional Administrator or Deputy Administrator in Charge of Rationing to be adequately served by other means of public transportation, shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, railroad commutation service or other means of transportation would not be reasonably adequate for the purpose for which such mileage is claimed.

[Paragraph (c) as amended by Amendment 33, 8 F.R. 3253, effective 3-20-43]

(d) The Board shall deduct from the mileage it allows for a passenger automobile in Area A and Area B in accordance with paragraph (b) above, sixty miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

[Paragraph (d) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 71, 8 F.R. 11429, effective 8-16-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(e) Unless the applicant's occupation requires him to live at a temporary or seasonal home or lodging, a Board shall allow no more occupational mileage to an applicant living at a temporary or seasonal home or lodging than the amount which would be allowable to the applicant for the same occupational purposes if he were living at his usual home or lodging.

[Paragraph (e) added by Amendment 42, 8 F.R. 5267, effective 4-24-43]

§ 1394.7705 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage

allowed by the Board in accordance with §§ 1394.7704 or 1394.7707.

[Paragraph (a) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 23, 8 F.R. 2213, effective 2-24-43]

(1) In the case of a passenger automobile for which application for a supplemental ration is made in Area A, the Board shall issue:

[Paragraph (1) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 71, 8 F.R. 11429, effective 8-16-43]

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: one or two Class B books containing the number of coupons specified in Table I for the mileage allowed. The Board shall note the date of issuance on such book as the date on which it becomes valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (i) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 67, 8 F.R. 10082, effective 7-24-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 480 miles per month: One or more Class C books containing the number of coupons specified in Table II for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (ii) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 23, 8 F.R. 2213, effective 2-24-43, Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(2) In the case of a passenger automobile for which application for a supplemental ration is made in the gasoline shortage area, the Board shall issue:

[Former paragraph (2) redesignated paragraph (3) and new paragraph (2) added by Amendment 4, 7 F.R. 10338, effective 12-15-42 and amended by Amendment 6, 7 F.R. 10787, effective 12-21-42]

(i) In the event that the mileage allowed by the Board is 320 miles per month or less: One or two Class B books containing the number of coupons specified in Table IA for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (i) added by Amendment 4, 7 F.R. 10338, effective 12-15-42, and amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 77, 8 F.R. 13391, effective 10-1-43]

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 320 miles per month: One or more Class C books containing the number of coupons speci-

fied in Table IIA for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (ii) added by Amendment 4, 7 F.R. 10338, effective 12-15-42, and amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 23, 8 F.R. 2213, effective 2-24-43, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 77, 8 F.R. 13391, effective 10-1-43]

(3) In the case of a passenger automobile for which application for a supplemental ration is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: one or more Class B books containing the number of coupons specified in Table IB for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 or § 1394.7707 exceeds 480 miles per month: one or more Class C books containing the number of coupons specified in Table IIB for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Present paragraph (3) added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43. Former paragraph (3) redesignated (4) by Amendment 71]

(4) In the case of a motorcycle the Board shall issue one or more Class D books (to be marked "Supplemental") containing the number of coupons specified in Table IC to provide the mileage allowed by the Board. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (4), formerly (3) added by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 67, 8 F.R. 10082, effective 7-24-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

TABLE I—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA A

For passenger automobiles which are entitled to basic rations, and for which more than 60 miles but not more than 480 miles per month are allowed.

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
Up to 60.....	0
61-75.....	1
76-90.....	2
91-105.....	3
106-120.....	4
121-135.....	5
136-150.....	6
151-165.....	7

TABLE I—Continued

Miles per month:	"B" coupons for 3 months
166-180	8
181-195	9
196-210	10
211-225	11
226-240	12
241-255	13
256-270	14
271-285	15
286-300	16
301-315	17
316-330	18
331-345	19
346-360	20
361-375	21
376-390	22
391-405	23
406-420	24
421-435	25
436-450	26
451-465	27
466-480	28

[Table I amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 67, 8 F.R. 10082, effective 7-24-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

TABLE II—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA A

For passenger automobiles which are entitled to basic rations, and for which more than 480 miles per month are allowed.

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
481-495	29
496-510	30
511-525	31
526-540	32
541-555	33
556-570	34
571-585	35
586-600	36
601-615	37
616-630	38
631-645	39
646-660	40
661-675	41
676-690	42
691-705	43
706-720	44
721-735	45
736-750	46
751-765	47
766-780	48
781-795	49
796-810	50
811-825	51
826-840	52
841-855	53
856-870	54
871-885	55
886-900	56
901-915	57
916-930	58
931-945	59
946-960	60
961-975	61
976-990	62
991-1005	63
1006-1020	64
1021-1035	65
1036-1050	66
1051-1065	67
1066-1080	68
1081-1095	69
1096-1110	70

Note: In the event the allowed mileage exceeds 1,110 miles, one additional coupon shall be allowed for each 15 miles, or frac-

tion thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.

[Table II amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

TABLE IA—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of 320 miles per month or less.

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
51-60	6
61-70	7
71-80	8
81-90	9
91-100	10
101-110	11
111-120	12
121-130	13
131-140	14
141-150	15
151-160	16
161-170	17
171-180	18
181-190	19
191-200	20
201-210	21
211-220	22
221-230	23
231-240	24
241-250	25
251-260	26
261-270	27
271-280	28
281-290	29
291-300	30
301-310	31
311-320	32

[Table IA added by Amendment 4, 7 F.R. 10338, effective 12-15-42, and amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 77, 8 F.R. 13391, effective 10-1-43]

TABLE IIA—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION IN GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of more than 320 miles per month.

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
321-330	33
331-340	34
341-350	35
351-360	36
361-370	37
371-380	38
381-390	39
391-400	40
401-410	41
411-420	42
421-430	43
431-440	44
441-450	45
451-460	46
461-470	47
471-480	48
481-490	49
491-500	50

TABLE IIA—Continued

Miles per month:	"C" coupons for 3 months
501-510	51
511-520	52
521-530	53
531-540	54
541-550	55
551-560	56
561-570	57
571-580	58
581-590	59
591-600	60
601-610	61
611-620	62
621-630	63
631-640	64
641-650	65
651-660	66
661-670	67
671-680	68
681-690	69
691-700	70
701-710	71
711-720	72
721-730	73
731-740	74
741-750	75
751-760	76
761-770	77
771-780	78
781-790	79
791-800	80
801-810	81
811-820	82
821-830	83
831-840	84
841-850	85
851-860	86
861-870	87
871-880	88
881-890	89
891-900	90
901-910	91
911-920	92
921-930	93
931-940	94
941-950	95
951-960	96
961-970	97
971-980	98
981-990	99
991-1000	100
1001-1010	101
1011-1020	102
1021-1030	103
1031-1040	104
1041-1050	105
1051-1060	106
1061-1070	107
1071-1080	108
1081-1090	109
1091-1100	110

Note: In the event allowed mileage exceeds 1100 miles, one additional coupon shall be issued for each 10 miles or fraction thereof.

[Table IIA added by Amendment 4, 7 F.R. 10338, effective 12-15-42, and amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 77, 8 F.R. 13391, effective 10-1-43]

TABLE IB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA B

For passenger automobiles which are entitled to basic rations, and for which more than 60 miles but not more than 480 miles per month are allowed.

(For motorcycles, use Table IC)

Miles per month:	"B" coupons for 3 months
Up to 60	0
61-70	1
71-80	2

TABLE IB—Continued

Miles per month:	"B" coupons for 3 months
81-90.....	3
91-100.....	4
101-110.....	5
111-120.....	6
121-130.....	7
131-140.....	8
141-150.....	9
151-160.....	10
161-170.....	11
171-180.....	12
181-190.....	13
191-200.....	14
201-210.....	15
211-220.....	16
221-230.....	17
231-240.....	18
241-250.....	19
251-260.....	20
261-270.....	21
271-280.....	22
281-290.....	23
291-300.....	24
301-310.....	25
311-320.....	26
321-330.....	27
331-340.....	28
341-350.....	29
351-360.....	30
361-370.....	31
371-380.....	32
381-390.....	33
391-400.....	34
401-410.....	35
411-420.....	36
421-430.....	37
431-440.....	38
441-450.....	39
451-460.....	40
461-470.....	41
471-480.....	42

[Table IB added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

TABLE IIB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA B

For passenger automobiles which are entitled to basic rations and for which more than 480 miles per month are allowed.

(For motorcycles, use Table IC)

Miles per month:	"C" coupons for 3 months
481-490.....	43
491-500.....	44
501-510.....	45
511-520.....	46
521-530.....	47
531-540.....	48
541-550.....	49
551-560.....	50
561-570.....	51
571-580.....	52
581-590.....	53
591-600.....	54
601-610.....	55
611-620.....	56
621-630.....	57
631-640.....	58
641-650.....	59
651-660.....	60
661-670.....	61
671-680.....	62
681-690.....	63
691-700.....	64
701-710.....	65
711-720.....	66
721-730.....	67
731-740.....	68
741-750.....	69
751-760.....	70
761-770.....	71
771-780.....	72

TABLE IIB—Continued

Miles per month:	"C" coupons for 3 months
781-790.....	73
791-800.....	74
801-810.....	75
811-820.....	76
821-830.....	77
831-840.....	78
841-850.....	79
851-860.....	80
861-870.....	81
871-880.....	82
881-890.....	83
891-900.....	84
901-910.....	85
911-920.....	86
921-930.....	87
931-940.....	88
941-950.....	89
951-960.....	90
961-970.....	91
971-980.....	92
981-990.....	93
991-1000.....	94
1001-1010.....	95
1011-1020.....	96
1021-1030.....	97
1031-1040.....	98
1041-1050.....	99
1051-1060.....	100
1061-1070.....	101
1071-1080.....	102
1081-1090.....	103
1091-1100.....	104

NOTE: In the event the allowed mileage exceeds 1,100 miles, one additional coupon shall be allowed for each 10 miles, or fraction thereof, of allowed mileage in excess of 1,100 miles. Additional books may be issued if necessary to provide additional coupons.

[Table IIB added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

TABLE IC—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION FOR MOTORCYCLES IN AREA A, AREA B AND IN GASOLINE SHORTAGE AREA

To be used only for motorcycles entitled to basic rations, and for which more than 60 miles per month are allowed. Allowed mileage in excess of 480 miles per month in Area A and Area B (320 miles per month in the gasoline shortage area) must be preferred mileage.

Miles per month:	"D" coupons for 3 months
Up to 60.....	0
61-80.....	1
81-100.....	2
101-120.....	3
121-140.....	4
141-160.....	5
161-180.....	6
181-200.....	7
201-220.....	8
221-240.....	9
241-260.....	10
261-280.....	11
281-300.....	12
301-320.....	13
321-340.....	14
341-360.....	15
361-380.....	16
381-400.....	17
401-420.....	18
421-440.....	19
441-460.....	20
461-480.....	21
481-500.....	22
501-520.....	23
521-540.....	24
541-560.....	25
561-580.....	26
581-600.....	27

TABLE IC—Continued

Miles per month:	"D" coupons for 3 months
601-620.....	28
621-640.....	29
641-660.....	30
661-680.....	31
681-700.....	32
701-720.....	33
721-740.....	34
741-760.....	35
761-780.....	36
781-800.....	37
801-820.....	38
821-840.....	39
841-860.....	40
861-880.....	41
881-900.....	42
901-920.....	43
921-940.....	44
941-960.....	45
961-980.....	46
981-1000.....	47
1001-1020.....	48
1021-1040.....	49
1041-1060.....	50

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additional coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles. Additional books may be issued if necessary to provide additional coupons.

[Table IC added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(b) The Board shall remove and cancel all coupons in Class B, C and D books in excess of the number to be issued hereunder.

[Paragraph (b) amended by Amendment 37, 8 F.R. 3616, effective 3-22-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No supplemental ration shall be issued by a Board unless the applicant certifies that the registered owner, or his agent, has certified that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment; and no person shall be entitled to a supplemental ration if, at the time of issuance, the registered owner or any person living in his household and related to him by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(e) [Revoked]

[Paragraph (e) added by Amendment 13, 8 F.R. 555, effective 1-13-43 and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

§ 1394.7706 *Preferred mileage.* The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage:

(a) By an agent, officer, representative or employee of a Federal, State, local or foreign government or government agency, who either holds an elective office or who is compensated by such government or government agency for his personal services or for travel expenses incurred in the travel for which preferred mileage is sought, for performing the official business or carrying out an official function of such government or government agency.

(1) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function.

(2) Except for daily or periodic travel between home or lodgings and a fixed place of work, travel by members of Federal or State legislative bodies between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, or elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

[Paragraph (a) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 8, 7 F.R. 11070, effective 1-2-43 and Amendment 59, 8 F.R. 9065, effective 7-7-43]

(b) By a school teacher or school official for the performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers, or school employees to or from regular places of study, provided that alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For delivery, other than delivery to the reader, of newspapers and magazines; and for necessary driving in maintaining the wholesale distribution system of newspapers within a defined area, but only if the applicant presents to the Board a statement from the business manager of the newspaper by which the applicant is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

(3) That the business manager has taken all reasonable steps to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper in the defined area.

[Paragraph (e) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 8, 7 F.R. 11070, effective 1-2-43]

(f) For the transportation of non-portable photographic or sound-on-film equipment, for taking pictures for use in newsreels, newspapers or magazines or for industrial or governmental use, by a person regularly engaged in such activity.

[Paragraph (f) as amended by Amendment 12, 8 F.R. 607, effective 1-20-43]

(g) By a physician, surgeon, dentist, osteopath, chiropractor, or midwife, for making necessary professional calls outside his office if he regularly makes such calls, or for travel between offices maintained by him, but only if the applicant is licensed as such by the appropriate governmental authority.

(h) By a farm veterinary for rendering professional services at agricultural establishments, but only if the applicant is licensed by the appropriate governmental authority and regularly renders such professional services.

(i) By a public health nurse (but not including a private nurse) employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

[Paragraph (i) as amended by Amendment 12, 8 F.R. 607, effective 1-20-43]

(j) By an embalmer for rendering necessary services in connection with the preparation for interment of deceased persons, but only if the applicant is licensed as such by the appropriate governmental authority.

(k) By a practicing minister of any religious faith who regularly serves a congregation, to enable him to meet the religious needs of the locality which he regularly serves, but not to go from home to place of worship; or by a practicing minister who regularly serves more than one congregation, to enable him to travel to the churches which he serves.

(l) By a religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves, but not for travel from home to place of worship.

(m) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(n) By the following persons for the following purposes:

(1) Any person, including an employer, employer's organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

[Paragraph (n) amended by Amendment 8, 7 F.R. 11070, effective 1-2-43 and Amendment 29, 8 F.R. 3096, effective 3-17-43]

(o) By a worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended) for necessary travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishment or facilities.

(1) Naval, military, or hospital establishments or facilities, or civilian public service camps established and maintained pursuant to section 5 (g) of the Selective Service and Training Act of 1940;

[Paragraph (1) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam or water; or of irrigation, drainage, flood control or sanitation systems; or of telegraph, telephone, radio-telegraph or radio-telephone (but not radio broadcasting) systems;

[Paragraph (2) as amended by Amendment 8, 7 F.R. 11070, effective 1-2-43]

(3) Industrial, extractive or agricultural establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(p) By an authorized agent of government or of management or labor for travel necessary to recruit or train workers listed in paragraphs (n) and (o) of this section, or for travel to, from, within, or between the establishments or facilities listed in paragraph (o) of this section in order to maintain peaceful industrial relations therein.

[Paragraph (p) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(q) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of

a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform, construction work; or by any of the above described persons who require the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place of work) for performing, or for transporting materials or equipment necessary to perform, any of the following services: installation, maintenance or repair services, the extermination of vermin, or the exploration, discovery or exploitation of natural resources for the purpose of obtaining necessary war materials; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home or lodgings to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (o) hereof: *Provided*, That preferred mileage may not be allowed pursuant to this paragraph to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices (other than non-portable motion picture equipment), or of portable household equipment or furniture, or for landscaping.

[Paragraph (q) as amended by Amendment 35, 8 F.R. 3254, effective 3-20-43]

(r) By members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post) or on official business where no military vehicle is available. The applicant must, however, present to the Board a certification or statement as follows:

(1) An application for mileage for travel between home or lodgings and post of duty must be certified, as indicated thereon, by an official in charge of an organized transportation plan if there is such a plan in operation at the applicant's post of duty.

(2) An application for mileage for travel on official business must be certified, as indicated thereon, by a government Mileage Administrator (or by his authorized agent) if one has been designated to exercise authority to certify such applications on behalf of the specified branch of the armed services in respect to which the application is made.

(3) If there is no person who is authorized to certify the application as provided in subparagraphs (1) and (2) the applicant shall present a statement from his commanding officer, which sets forth the following:

(i) The mileage sought is for necessary transportation between home or lodgings and post of duty (but not for

transfer from post to post), or on official business;

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(iv) The commanding officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

[Paragraph (r) as amended by Amendment 75, 8 F.R. 13340, effective 10-4-43].

(s) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(t) By a person regularly engaged in the business of dealing in scrap materials for locating and accumulating scrap metals, or other scrap materials essential to the war effort: *Provided*, That no preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Salvage Manager of the War Production Board, or the District Chief of the appropriate section of the Conservation Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

(u) By a full-time social worker employed by a bona fide non-profit agency, for necessary travel (but not from home or lodgings to a fixed place of work) for one or more of the following purposes: to investigate the necessity for relief or to administer relief; to arrange for the placement of minors or aged, handicapped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospitals or clinics for treatment or diagnosis: *Provided*, That the applicant must present to the Board a statement from a responsible official of such social agency setting forth:

(1) That the mileage sought is for necessary travel to be driven by a full-time social worker to perform one or more of the purposes specified in this paragraph; and

(2) That the social agency employing such worker is either:

(i) Licensed by the appropriate governmental authority; or

(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, the Child Welfare League of America, or the National Travelers Aid Association; or

(iii) A bona fide non-profit agency carrying on one or more of the purposes specified in this paragraph, as evidenced by a certification of that fact by a responsible official of a social agency specified in (i) or (ii) hereof. Such certification shall be attached to the official statement.

[Paragraph (u) added by Amendment 8, 7 F.R. 11070, effective 1-2-43]

(v) [Revoked]

[Paragraph (v) added by Amendment 9, 8 F.R. 274, effective 1-8-43 and revoked by Amendment 45, 8 F.R. 5564, effective 5-1-43]

(w) [Revoked]

[Paragraph (w) added by Amendment 45, 8 F.R. 5564, effective 5-1-43, amended by Amendment 71, 8 F.R. 11429, effective 8-16-43, and revoked by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(x) By the following persons for the following purposes:

(1) A duly authorized official, employee, agent or representative of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(2) A member of a War Price and Rationing Board, for travel between home or lodgings and the place at which such Board conducts its business.

(3) A member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System, for travel between home or lodgings and the place at which the business of the Selective Service System is conducted.

(4) A volunteer fireman (including a member of the Forest Fire Fighters Service of the Office of Civilian Defense) a volunteer policeman, or a member of a state, county or local committee organized by the United States government or an agency thereof to promote the sale of United States government securities, for the performance of their official duties.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official duties.

(ii) No preferred mileage shall be allowed for travel on which the applicant is not exclusively engaged in the performance of his official duties.

(5) A member of the staff unit of the United States Citizens Defense Corps of the Office of Civilian Defense who is certified by the commander of that unit to be a member thereof, for travel on official business of the Office of Civilian Defense.

(i) Daily or periodic travel between home or lodgings and a fixed place of

work shall be deemed performance of official business.

[Paragraph (x) added by Amendment 59, 8 F.R. 9065, effective 7-7-43]

(6) A State Director or Assistant State Director of the National War Fund, for the performance of the official business of the National War Fund.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(ii) No preferred mileage shall be allowed for travel on which the applicant is not exclusively engaged in the performance of his official duties.

[Paragraph (6) added by Amendment 82, 8 F.R. 14474, effective 10-22-43]

§ 1394.7707 *Additional mileage allowances.* (a) In any case where the applicant or person entitled to the use of a vehicle requires mileage under any of the circumstances described in subparagraphs (1) and (2) of this paragraph, and the driving to be performed in such circumstances is not preferred mileage, the Board, upon approval of the District Director, may allow such mileage, to the extent required for such driving. If any mileage is allowed pursuant to this section, no mileage shall be allowed for driving in the course of work, unless the driving in the course of work consists of preferred mileage:

[Above paragraph amended by Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 45, 8 F.R. 5564, effective 5-1-43, Amendment 79, 8 F.R. 14345, effective 10-25-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(1) Where application is made in Area A or in Area B, and the applicant or person entitled to the use of the vehicle requires more than 480 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

[Paragraph (1) as amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(2) [Revoked]

[Paragraph (2) revoked and (3) redesignated (2) by Amendment 80]

(2) Where application is made in the gasoline shortage area and such person requires more than 320 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

[Paragraph (2), formerly (3), amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

[Paragraph (a) amended by Amendment 71, 8 F.R. 11429, effective 8-16-42 and as otherwise noted]

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that: (1) a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their

occupations, or that no such ride-sharing arrangement exists but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and (2) there is no reasonably adequate alternative means of transportation.

[Paragraph (b) as amended by Amendment 45, 8 F.R. 5564, effective 5-1-43]

(c) If the applicant meets the requirements of paragraph (b) of this section the Board may tentatively issue a ration pursuant to § 1394.7705 which does not include the additional mileage claimed by the applicant, unless such ration has already been issued, and may forward the application to the District Director. Each application shall be accompanied by a recommendation in writing by the Board stating any pertinent facts in addition to those stated in the application, the additional mileage which the Board recommends be allowed for such driving, and the reasons for its recommendation. The Board shall notify the applicant of the amount of additional mileage it has recommended, or of its refusal to make a recommendation.

(d) The District Director, or a person designated by him, shall receive and consider any further evidence presented by the applicant and may require the applicant to appear before him for examination and to produce such witnesses or evidences as he may deem material. The District Director shall pass upon the application and the Board's recommendation and shall promptly notify the Board of his decision and return the application to the Board. If the recommendation of the Board is approved in whole or in part, the Board shall: (1) require the applicant to surrender any supplemental ration previously issued for use with the vehicle, and (2) issue a new supplemental ration pursuant to § 1394.7705, in the amount of the total mileage allowed pursuant to paragraph (a) of this section and § 1394.7704.

Any person may appeal to the Regional Administrator from an adverse decision of the District Director, pursuant to Procedural Regulation No. 9.

[Paragraphs (c) and (d) as amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

[§ 1394.7707 added by Amendment 23, 8 F.R. 2213, effective 2-24-43]

OFFICIAL AND FLEET RATIOMS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

§ 1394.7751 *Official and fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and gasoline deposit certificates, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, State, local or foreign government or government agency (other than by the armed forces of the United States or by State military forces organized pursuant to section 61 of the National Defense Act, as amended) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of

§ 1394.7752 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754:

[Paragraph (a) as amended by Amendment 50, 8 F.R. 6346, effective 6-15-43]

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "Official" or "Fleet" for use with motorcycles;

(3) One or more gasoline deposit certificates issued pursuant to paragraph (b) of § 1394.8006.

[Paragraph (3) as amended by Amendment 50, 8 F.R. 6346, effective 6-15-43]

(b) When issued as an official or fleet ration, Class B, C and D books shall contain the number of coupons specified in the tables set forth in § 1394.7705 and § 1394.7755 (according to the type of book and the area in which it is issued) necessary to provide the mileage allowed by the Board. Coupons in such books shall authorize the transfer of gasoline to consumers on and after the validity date, which shall be noted on such books by the issuing Board, until such rations or books expire or are revoked.

[Paragraph (b) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43 and Amendment 67, 8 F.R. 10032, effective 7-24-43]

§ 1394.7752 *Persons entitled to official and fleet rations.* (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle) which is a part of a fleet may obtain a "fleet" ration providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754.

(b) Such official or fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale, or for use with a vehicle available for public rental, or for use with a vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.

[Paragraph (b) as amended by Amendment 83, 8 F.R. 15460, effective 11-9-43]

[§ 1394.7752 amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 74, 8 F.R. 13251, effective 10-1-43]

§ 1394.7753 *Application for official and fleet rations.* (a) Application for official and fleet rations shall be made to a Board on or after November 9, 1942, on Form OPA R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the continental United States required for each vehicle covered in the application or required for each of a group of vehicles used inter-

changeably for carrying on the same or a related occupation or occupations during the three-month period beginning with the date on which the ration is required. Each application for an official or fleet ration shall contain a certification by the owner or by a responsible representative of the owner as to (a) the serial numbers of the tires mounted on each vehicle for which application is made, and (b) except in the case of an application for an official ration, the number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) owned by the registered owner of the vehicles in excess of those mounted (including one spare per motor vehicle) on motor vehicles or equipment other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board.

(b) Each application for official rations must be certified by a Government Mileage Administrator (or by his authorized agent) if one has been designated by the government or government agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof which owns or leases the vehicle for which application is made. If no such Government Mileage Administrator has been designated, such application must be certified by an officer empowered to authorize or supervise travel for the government or government agency which owns or leases the vehicle for which the ration is sought.

[First paragraph designated (a), and (b) added by Amendment 59, 8 F.R. 9065, effective 7-7-43]

§ 1394.7754 Allowance of mileage.

(a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of § 1394.7704; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes: *Provided*, That the names and addresses of all persons (other than the drivers of the vehicles) participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application: *Provided further* That a board having jurisdiction over an area (i) which is adequately served by subway, elevated railroad, or railroad commutation service, or (ii) which has been determined by the Regional Administrator or Deputy Administrator in Charge of Rationing to be adequately served by other means of public transportation, shall allow mileage claimed with respect to which a

ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, railroad commutation service or other means of transportation would not be reasonably adequate for the purpose for which such mileage is claimed.

[Paragraph (2) as amended by Amendment 33, 8 F.R. 3253, effective 3-20-43]

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three month period specified in § 1394.7753 and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage: However, no Board may allow an average mileage for any one vehicle or an average mileage per vehicle for any group of vehicles in excess of the maximum set forth below, unless the mileage in excess of any such maximum is defined as preferred mileage under the provisions of § 1394.7706.

(1) If the Board is in Area A or in Area B the maximum average mileage is 480 miles per month.

(2) If the Board is in the gasoline shortage area the maximum average mileage is 320 miles per month.

[Paragraph (b) amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 45, 8 F.R. 5564, effective 5-1-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, Amendment 77, 8 F.R. 13391, effective 10-1-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

§ 1394.7755 *Issuance of official and fleet rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7754.

(1) In the case of passenger automobiles for which application for official or fleet rations is made in Area A, the Board shall issue:

[Paragraph (1) amended by Amendment 6, 7 F.R. 10786, effective 12-21-42 and Amendment 71, 8 F.R. 11429, effective 8-16-43]

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: one or two Class B books containing the number of coupons specified in Table III for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (1) amended by Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 480 miles per month: one or more Class C books containing the number of coupons specified in Table IV for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest re-

newal date three months from the date of issuance.

[Paragraph (1) amended by Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(2) In the case of passenger automobiles for which application for official and fleet rations is made within the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 320 miles per month or less: one or two Class B books containing the number of coupons specified in Table IA in § 1394.7705 (a) (4) for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 320 miles per month: one or more class C books containing the number of coupons specified in Table IIA in § 1394.7705 (a) (4) for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraphs (1) and (1) amended by Amendment 37, 8 F.R. 3616, 4189, effective 3-22-43, Amendment 67, 8 F.R. 10082, effective 7-24-43, and Amendment 77, 8 F.R. 13391, effective 10-1-43]

[Paragraph (2) added by Amendment 6, 7 F.R. 10787, effective 12-21-42]

(3) In the case of passenger automobiles for which application for official or fleet rations is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: One or more Class B books containing the number of coupons specified in Table IIIB for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In the event the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 480 miles per month: One or more Class C books containing the number of coupons specified in Table IVB for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

[Paragraph (3) added by Amendment 71, 8 F.R. 11429, effective 8-16-43, and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43. Former paragraph (3) redesignated (4) by Amendment 71]

(4) In the case of a motorcycle the Board shall issue one or more Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) containing the number of coupons specified in Table IIIC to provide the mileage allowed by the Board. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal

date three months from the date of issuance.

[Paragraph (4), formerly (3), amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 67, 8 F.R. 10082, effective 7-24-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

TABLE III—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA A

For passenger automobiles with an allowed mileage of not more than 480 miles per month.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

(For motorcycles, use Table IIIC)

Miles per month:	"B" coupons for 3 months
1-15	1
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
91-105	7
106-120	8
121-135	9
136-150	10
151-165	11
166-180	12
181-195	13
196-210	14
211-225	15
226-240	16
241-255	17
256-270	18
271-285	19
286-300	20
301-315	21
316-330	22
331-345	23
346-360	24
361-375	25
376-390	26
391-405	27
406-420	28
421-435	29
436-450	30
451-465	31
466-480	32

[Table III amended by Amendment 6, 7 F.R. 10787; 8 F.R. 179, effective 12-21-42, Amendment 67, 8 F.R. 10082, effective 7-24-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

[Table IIIA added by Amendment 6, 7 F.R. 10787, effective 12-21-42 and revoked by Amendment 67, 8 F.R. 10082, effective 7-24-43]

TABLE IV—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA A

For passenger automobiles with an allowed mileage of more than 480 miles.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

(For motorcycles, use Table IIIC)

Miles per month:	"C" coupons for 3 months
481-495	33
496-510	34
511-525	35
526-540	36
541-555	37
556-570	38
571-585	39
586-600	40
601-615	41
616-630	42

TABLE IV—Continued

Miles per month:	"C" coupons for 3 months
631-645	43
646-660	44
661-675	45
676-690	46
691-705	47
706-720	48
721-735	49
736-750	50
751-765	51
766-780	52
781-795	53
796-810	54
811-825	55
826-840	56
841-855	57
856-870	58
871-885	59
886-900	60
901-915	61
916-930	62
931-945	63
946-960	64
961-975	65
976-990	66
991-1005	67
1006-1020	68
1021-1035	69
1036-1050	70
1051-1065	71
1066-1080	72
1081-1095	73
1096-1110	74
1111-1125	75

NOTE: In the event the allowed mileage exceeds 1,125 miles, one additional coupon shall be issued for each 15 miles, or fraction thereof, or allowed mileage in excess of 1,125 miles. Additional books may be issued if necessary to provide additional coupons.

[Table IV amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 80, 8 F.R. 14013, effective 10-12-43]

TABLE IIB—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of not more than 480 miles per month.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

(For motorcycles, use Table IIIC)

Miles per month:	"B" coupons for 3 months
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
51-60	6
61-70	7
71-80	8
81-90	9
91-100	10
101-110	11
111-120	12
121-130	13
131-140	14
141-150	15
151-160	16
161-170	17
171-180	18
181-190	19
191-200	20
201-210	21
211-220	22
221-230	23
231-240	24
241-250	25
251-260	26
261-270	27
271-280	28

TABLE IIB—Continued

Miles per month:	"B" coupons for 3 months
281-290	29
291-300	30
301-310	31
311-320	32
321-330	33
331-340	34
341-350	35
351-360	36
361-370	37
371-380	38
381-390	39
391-400	40
401-410	41
411-420	42
421-430	43
431-440	44
441-450	45
451-460	46
461-470	47
471-480	48

[Table IIB added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

[Table IVA added by Amendment 6, 7 F.R. 10787; 8 F.R. 179, effective 12-21-42 and revoked by Amendment 67, 8 F.R. 10082, effective 7-24-43]

TABLE IIV—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of more than 480 miles.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

(For motorcycles, use Table IIIC)

Miles per month:	"C" coupons for 3 months
481-490	49
491-500	50
501-510	51
511-520	52
521-530	53
531-540	54
541-550	55
551-560	56
561-570	57
571-580	58
581-590	59
591-600	60
601-610	61
611-620	62
621-630	63
631-640	64
641-650	65
651-660	66
661-670	67
671-680	68
681-690	69
691-700	70
701-710	71
711-720	72
721-730	73
731-740	74
741-750	75
751-760	76
761-770	77
771-780	78
781-790	79
791-800	80
801-810	81
811-820	82
821-830	83
831-840	84
841-850	85
851-860	86
861-870	87
871-880	88
881-890	89
891-900	90
901-910	91
911-920	92

TABLE IVB—Continued

Miles per month:	"C" coupons for 3 months
921-930.....	93
931-940.....	94
941-950.....	95
951-960.....	96
961-970.....	97
971-980.....	98
981-990.....	99
991-1000.....	100
1001-1010.....	101
1011-1020.....	102
1021-1030.....	103
1031-1040.....	104
1041-1050.....	105
1051-1060.....	106
1061-1070.....	107
1071-1080.....	108
1081-1090.....	109
1091-1100.....	110.

NOTE: In the event allowed mileage exceeds 1,100 miles, one additional coupon shall be issued for each 10 miles or fraction thereof.

[Table IVB added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

TABLE IIIC—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION FOR MOTORCYCLES IN AREA A, AREA B AND IN THE GASOLINE SHORTAGE AREA.

For motorcycles not entitled to basic rations. All allowed mileage in excess of 480 miles per month in Area A and Area B (320 miles in the gasoline shortage area) must be preferred mileage.

Miles per month:	"D" coupons for 3 months
Up to 20.....	1
21-40.....	2
41-60.....	3
61-80.....	4
81-100.....	5
101-120.....	6
121-140.....	7
141-160.....	8
161-180.....	9
181-200.....	10
201-220.....	11
221-240.....	12
241-260.....	13
261-280.....	14
281-300.....	15
301-320.....	16
321-340.....	17
341-360.....	18
361-380.....	19
381-400.....	20
401-420.....	21
421-440.....	22
441-460.....	23
461-480.....	24
481-500.....	25
501-520.....	26
521-540.....	27
541-560.....	28
561-580.....	29
581-600.....	30
601-620.....	31
621-640.....	32
641-660.....	33
661-680.....	34
681-700.....	35
701-720.....	36
721-740.....	37
741-760.....	38
761-780.....	39
781-800.....	40
801-820.....	41
821-840.....	42
841-860.....	43
861-880.....	44
881-900.....	45
901-920.....	46
921-940.....	47

TABLE IIIC—Continued

Miles per month:	"D" coupons for 3 months
941-960.....	48
961-980.....	49
981-1000.....	50
1001-1020.....	51
1021-1040.....	52
1041-1060.....	53

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additional coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles. Additional books may be issued if necessary to provide additional coupons.

[Table IIIC added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(b) The board shall remove and cancel all coupons in Class B, C, and D books in excess of the number to be issued hereunder. If the applicant has requested that his ration be issued to him in the form of gasoline deposit certificates, the board shall issue one or more gasoline deposit certificates in accordance with the procedure set forth in paragraphs (a) and (b) of § 1394.8006.

[Paragraph (b) amended by Amendment 87, 8 F.R. 3616, effective 3-22-43; Amendment 80, 8 F.R. 6846, effective 6-15-43, and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent, has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a fleet ration if, at the time of issuance, the registered owner of the vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(e) [Revoked]

[Paragraph (e) added by Amendment 13, 8 F.R. 1365, effective 1-13-43, and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

§ 1394.7756 *Interchangeable official or fleet ration books.* An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official

or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used, interchangeably, for all official or fleet vehicles bearing such identification.

§ 1394.7757 *Issuance of rations for use with vehicles operated on dealer plates.*

(a) Notwithstanding any other provision of Ration Order No. 5C a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the State issuing the plates. However, no ration may be issued pursuant to this paragraph for use with a 1942 passenger automobile held by an automobile dealer for sale or resale pursuant to Ration Order No. 2A or 2B, or for use with a motor vehicle normally garaged or stationed in Canada.

[Paragraph (a) amended by Amendment 41, 8 F.R. 4976, effective 4-22-43 and Amendment 83, 8 F.R. 15460, effective 11-9-43]

(b) Such ration shall be issued in the same manner as a fleet ration under the conditions provided in §§ 1394.7754 and 1394.7755, and application for such ration shall be made to a Board on Form OPA R-551: *Provided*, That the certification therein contained as to ownership of tires by the registered owner of the vehicle shall be revised to constitute a certification as to tires owned by the owner of the vehicle. The applicant shall annex to the application a written statement showing the Federal Use Tax Stamp number and the engine number of such vehicle.

[Paragraph (b) as amended by Amendment 13, 8 F.R. 565, effective 1-13-43]

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of § 1394.7754, and shall issue a ration in accordance with § 1394.7755 (a) (b) and (c). The Board issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of such book and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates." The Board shall note on the cover of the book the name and address of the person to whom the book is issued and shall note on the book and on the application the date on which the book becomes valid and the earliest renewal date.

[Paragraph (c) as amended by Amendment 67, 8 F.R. 10082, effective 7-24-43]

§ 1394.7758 *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.*

(a) The lessee of a vehicle available for public rental who holds such vehicle under a lease for a term of more than thirty consecutive days, or the lessee of

a motorcycle, may apply for a ration for use in such vehicle to provide gasoline for the occupational mileage to be driven therein during the term of the lease. However, no ration may be issued pursuant to this section for use with a motor vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.

[Paragraph (a) amended by Amendment 74, 8 F.R. 13251, effective 10-1-43 and Amendment 83, 8 F.R. 15460, effective 11-9-43]

(b) Application for such ration shall be made to a Board on or after December 15, 1942. The applicant shall establish the average monthly occupational mileage within the continental United States required for such vehicle, or required for each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, during the three month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less. Such application shall be made on Form OPA R-551: *Provided*, That the certification therein contained as to ownership of tires by the registered owner of the vehicle or vehicles shall be revised to constitute a certification as to tires owned by the lessee of such vehicle or vehicles.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in the manner provided in § 1394.7754 and shall issue a ration in accordance with the provisions of paragraphs (a), (b), (c) and (e) of § 1394.7755 except as otherwise provided herein. The Board issuing the ration shall, at the time of issuance, note on the cover of the book the name and address of the person to whom the ration is issued. If the term of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of paragraph (a) of § 1394.7755, the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for the remaining term of the lease, and shall remove from the ration book or books issued all coupons in excess of such number. In such a case the ration shall expire on the date on which the lease terminates, and the Board shall not note an earliest renewal date on the book or books issued, but shall write on the outside front cover the date on which the lease terminates, and that the book or books will expire on that date.

[Paragraph (c) amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 13, 8 F.R. 565, effective 1-13-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(d) No ration shall be issued by a Board pursuant to the provisions of this section unless the lessee of the vehicle or vehicles for which such ration is sought has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the lessee of such vehicle or vehicles other than tires reported on OPA

Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a ration pursuant to the provisions of this section if, at the time of issuance thereof, the lessee of the vehicle or vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

[§ 1394.7758 added by Amendment 4, 7 F.R. 10338, effective 12-15-42]

TRANSPORT RATIONS

§ 1394.7801 *Transport rations.* (a) Subject to the provisions of § 1394.7802, transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles and motor vehicles owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended. Except as otherwise provided in §§ 1394.7802 and 1394.7805, transport rations shall be issued for use during fixed calendar quarterly periods of three months, the first of which shall commence on January 1, 1943.

§ 1394.7802 *Persons entitled to transport rations.* Subject to the provisions of § 1394.7805, the owner or the person entitled to the use of a commercial motor vehicle for which a Certificate of War Necessity has been issued may obtain a transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of such vehicle for the quarterly period during which the ration is to be used, as set forth in such certificate. The owner or the person entitled to the use of a motor vehicle but which is owned or leased by the military or naval forces of the United States, or the State military forces organized pursuant to section 61 of the National Defense Act, as amended, may obtain a transport ration authorizing the acquisition of the number of gallons of gasoline required for the operation of such vehicle during the quarterly period for which the ration is to be used.

§ 1394.7803 *Transport ration books.* (a) Class T-1 and Class T-2 coupon books and, in the case of motorcycles owned or leased by the armed forces, Class D books marked "Transport" shall be issued as transport rations. Coupons in Class T-1 and T-2 books shall each have a value of one unit.

(b) Coupons contained in a transport ration book shall authorize the transfer of gasoline to a consumer only during the period noted thereon by the board, except that such coupons issued by a board in the restricted area during the second calendar quarter of 1943 shall

authorize such transfer in that area through July 25, 1943.

[Paragraph (b) as amended by Amendment 64, 8 F.R. 8003, effective 6-14-43]

§ 1394.7804 *Application for transport rations.* (a) Application for a transport ration may be made to a Board, on and after November 9, 1942, on Form OPA R-536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a transport ration. A separate application must be used for each vehicle which is not a part of a fleet.

(b) In the event application is made for a transport ration for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued, the application shall be accompanied by the single unit certificate issued for the vehicle or, in the case of a fleet of commercial vehicles, by the fleet certificate issued for such fleet. If the applicant requires, during the period, less than the maximum number of gallons of gasoline allowed by such certificate for the vehicles covered by the application, the applicant shall state the amount of gasoline required by him.

(c) In the event application is made for a transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the application shall state the number of gallons of gasoline required during the quarterly period for which the ration is sought for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought: *Provided*, That in the case of a ration for use prior to January 1, 1943 the application shall state the number of gallons of gasoline required for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought, during the period between the date on which the ration is required or December 1, 1942, whichever is later, and April 1, 1943.

[Paragraph (c) as amended by Amendment 1, 7 F.R. 8787, effective 11-21-42]

§ 1394.7805 *Issuance of transport rations.* (a) Except as provided in paragraph (c) of this section, no transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought. Except as provided in § 1394.7806, no transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such certificate for the quarterly period for which the ration is sought and no transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided*, That trans-

port rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to § 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the certificate for the first quarter of 1943 plus eighty (80) per cent of the maximum number of gallons of gasoline allowed by the certificate for the remaining portion of the year 1942: *Provided, further* That in the issuance of any transport ration for use in any one calendar quarter the Board shall deduct from the gallonage otherwise allowable for the whole quarter the number of gallons which have been allowed in that quarter by the issuance of any temporary transport ration for the use of the vehicle covered by the application, and: *Provided, further* That during the first quarter of 1943 the Board upon issuing a transport ration on the basis of a Certificate of War Necessity will also issue the gallonage allowable for the second quarter.

[Paragraph (a) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42 and Amendment 16, 8 F.R. 1203, effective 1-26-43]

(b) The Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate places provided in the application the maximum number of gallons of gasoline allowed by such certificate for the quarterly periods thereupon indicated. The Board shall allow the maximum number of gallons of gasoline permitted under paragraph (a) of this section, or the quantity of gasoline required by the applicant during the period or periods for which the ration is sought as stated in the application, whichever is less. The board shall issue Class T-1 or T-2 books or gasoline deposit certificates to provide the number of gallons of gasoline allowed by it.

[Paragraph (b) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 25, 8 F.R. 2431, effective 3-2-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

(c) In the event application is made for a ration for use with a motor vehicle which is owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the Board shall not require the presentation of a Certificate of War Necessity and shall issue Class T-1 or T-2 books or, in the case of motorcycles, D books marked "Transport" containing coupons in sufficient number to provide the number of gallons of gasoline requested for the fixed quarterly period during which the ration is to be used, or, in the case of a ration to be used prior to January 1, 1943, the Board shall issue books containing coupons in sufficient number to provide the number of gallons of gasoline requested for the operation of the vehicle during the period between the date on which the ration is required or December 1, 1942, whichever is later, and April 1, 1943.

[Paragraph (c) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(d) The Board shall, when issuing Class T-1, T-2 or D books as transport rations, remove and cancel all coupons in excess of the number required to supply the gallonage allowed. The Board shall note on the face of the books the date of issuance or December 1, 1942, whichever is later, and the date of expiration of such books. If it is necessary for the applicant to receive bulk deliveries of gasoline, and if he meets the requirements of § 1394.8006, the Board shall issue one or more gasoline deposit certificates to the extent of the gallonage allowed by it for which bulk deliveries are required. On and after March 1, 1943, either at the time of original issuance or upon the first renewal of a transport ration for use with a vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of the single unit certificate the Board number and the initials of the person issuing such books. In the case of a fleet certificate the Board shall note on the reverse side thereof the name or number and address of the issuing Board, and the initials of the person issuing such books.

[Paragraph (d) amended by Amendment 25, 8 F.R. 2431, effective 3-2-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

(e) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used with any vehicle which does not comply with the orders of the Office of Defense Transportation, nor with any vehicles on which the tires have not been inspected and approved in accordance with any applicable rule, regulation, or order of the Office of Defense Transportation, or of the Office of Price Administration.

§ 1394.7806 *Transport ration for equipment mounted on commercial motor vehicles.* Notwithstanding any other provisions of Ration Order No. 5C, the applicant for a ration for use with a commercial motor vehicle upon which is mounted and permanently attached machinery or equipment which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the transport ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

§ 1394.7807 *Interchangeable transport ration books.* An applicant for a transport ration for use with fleet vehicles may request the Board to note, on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet certificate is-

sued for such vehicles, in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation, with respect to any vehicles for which a fleet certificate has been issued. Any book on which a fleet identification or fleet certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet certificate.

§ 1394.7808 [Revoked]

[§ 1394.7808 amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 3, 7 F.R. 10016, effective 11-30-42, Amendment 7, 7 F.R. 11009, effective 12-31-42, Amendment 16, 8 F.R. 1203, effective 1-26-43 and revoked by Amendment 60, 8 F.R. 9531, effective 7-16-43]

SPECIAL RATIONS

§ 1394.7851 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle, or of a boat or outboard motor who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To procure necessary food or supplies, or to obtain necessary medical attention or therapeutic treatment, including the transportation of a patient from the place where he has obtained medical attention or therapeutic treatment to his home or lodgings. However, no special ration shall be issued for the purpose of obtaining food or supplies for use in connection with the operation of a business or occupation, or for transportation of food or supplies to an occupant of a temporary or seasonal home or lodging unless he is required to live in such home or lodging because of his occupation.

[Paragraph (i) amended by Amendment 41, 8 F.R. 4976, effective 4-22-43 and Amendment 78, 8 F.R. 14305, effective 11-23-43]

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on December 1, 1942, if such vehicle or boat has been continuously away from such place of residence since that date: *Provided*, That if such

place of residence and such vehicle or boat were, on December 1, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942.

(iii) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodgings and the place where he is required to be present for jury service: *Provided*, That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation.

[Paragraph (iii) added by Amendment 8, 7 F.R. 11070, effective 1-2-43]

(2) For use with a passenger automobile or motorcycle:

(i) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(ii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections) or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes essential to the prosecution of his candidacy.

(iii) To transport a person to enable him to deliver telephone directories: *Provided*, That the applicant presents to the Board a statement from the delivery contractor employed by the telephone company to make such delivery, or from the employee of the telephone company who is responsible for such delivery if there is no contractor, setting forth:

(a) That there is no practicable means of delivering the telephone directories except by the use of a passenger automobile or motorcycle;

(b) The minimum mileage necessary to be driven by the applicant for making such delivery.

[Paragraph (iii) added by Amendment 8, 7 F.R. 11070, effective 1-2-43]

(iv) To tow a house trailer in connection with a *bona fide* change in residence of the person entitled to the use thereof, or to a site where such trailer is to be used as necessary housing for a person in connection with his occupation.

[Paragraph (iv) added by Amendment 10, 8 F.R. 369, effective 1-7-43]

(v) [Revoked]

[Paragraph (v) added by Amendment 44, 8 F.R. 5486, effective 4-30-43 and revoked by Amendment 62, 8 F.R. 9334, effective 7-12-43]

(vi) To transport a representative of the National War Fund designated by the appropriate County Chairman, for the purpose of carrying on the official business of the National War Fund. A

special ration issued under this subdivision shall not provide mileage in excess of an average of 120 miles per week. Special rations under this subdivision shall not be issued for the same period for the transportation of more than two designated representatives in any county.

(a) The applicant shall present the certification of the appropriate County Chairman of the National War Fund, stating that the applicant is a duly accredited representative of the National War Fund and certifying the mileage needed by him for the performance of his official business and the period for which such mileage is required.

[Paragraph (vi) added by Amendment 83, 8 F.R. 14474, effective 10-22-43]

(3) For use with a motor vehicle or motorboat:

(i) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose;

(ii) [Revoked]

(iii) [Revoked]

[Paragraphs (ii) and (iii) revoked by Amendment 29, 8 F.R. 3201, effective 3-19-43]

(iv) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose.

(4) For use with a motor vehicle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of the vehicle therein;

(iii) To operate a motor vehicle used by a Federal, State or local government or government agency in testing tires, fuels or equipment.

(5) For use with a motor boat, or with any motor vehicle which may lawfully be operated without a Certificate of War Necessity, for any of the following purposes. No ration may be issued under this paragraph which would permit a vehicle to be moved on its own wheels for a distance of more than 200 miles, unless the vehicle is a commercial motor vehicle and the Office of Defense Transportation has certified that alternative means of transportation for the movement of such vehicle by rail or water carrier are unavailable or inadequate.

(i) To move such vehicle or boat after a bona fide sale or a transfer by gift or inheritance, or pursuant to a bona fide lease of more than ninety (90) days, to a place selected by the person entitled to the possession of such vehicle or boat;

(ii) To move such vehicle or boat to a place of storage selected by a person who

has acquired title or right to possession of such vehicle or boat by virtue of a lien or security contract, or to move such vehicle or boat to a place of storage upon seizure by government authority.

(iii) [Revoked]

[Paragraph (iii) revoked by Amendment 74, 8 F.R. 13251, effective 10-1-43]

[Paragraph (5) added by Amendment 30, 8 F.R. 3201, effective 3-19-43 and amended by Amendment 74]

(6) For use with a motor vehicle or boat to return such vehicle or boat, upon recovery after theft, to its customary garage or station.

[Paragraph (6) added by Amendment 74, 8 F.R. 13251, effective 10-1-43]

[Paragraph (b) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and as otherwise noted]

(c) Application shall be made on Form OPA R-552 and the application shall state, in addition to such other information as may be required;

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1) (i) or paragraph (b) (2) (i), (ii) (iii) or (vi) or for use with a motorboat pursuant to paragraph (b) (5) (i) or (ii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

[Paragraph (4) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 8, 7 F.R. 11070, effective 1-2-43, Amendment 30, 8 F.R. 3201, effective 3-19-43, Amendment 44, 8 F.R. 5486, effective 4-30-43, Amendment 62, 8 F.R. 9334, effective 7-12-43, Amendment 74, 8 F.R. 13251, effective 10-1-43, Amendment 82, 8 F.R. 14474, effective 10-22-43, and Amendment 84, effective 11-18-43]

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

§ 1394.7852 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available, if proof thereof is required by paragraph (c) of § 1394.7851.

(5) If the ration is for use with a 1942 passenger automobile held by an automobile dealer for sale or resale pursuant to Ration Order No. 2A or 2B, that such use is permitted by Section 2.7 of Ration Order No. 2B.

[Paragraph (5) added by Amendment 41, 8 F.R. 4976, effected 4-22-43]

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

The coupons contained in any such book issued shall be valid for transfers of gasoline to consumers from the date of issuance, which shall be noted on the book by the Board. They shall expire at the end of the period for which the ration is issued. The Board shall not note an earliest renewal date on the book or books issued, but shall write on the outside front cover the date on which the ration expires, and that the book or books will expire on that date.

If the total quantity of gasoline determined by the Board does not exceed twenty gallons, the Board may issue, instead of a coupon book, one or more gasoline purchase permits (Form OPA R-571) to provide the amount of gasoline determined. The Board shall note upon the face of each such permit the information required by the form. No one gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline nor for a fractional part of a gallon, and the total gallonage value of gasoline purchase permits issued to any applicant upon the basis of one application shall not exceed twenty gallons.

[Paragraph (b) amended by Amendment 67, 8 F.R. 10082, effective 7-24-43, and Amendment 73, 8 F.R. 13124, effective 9-29-43]

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

§ 1394.7853 *Application for special ration for furlough travel.* (a) A member of the armed forces of the United States who needs transportation on pass, leave or furlough for a period of three (3) days or more, as evidenced by duly issued pass, leave or furlough authorization, may apply to a board for a special ration for furlough travel. Application for such ration must be accompanied by the pass, leave or furlough authorization.

Application shall be made on Form OPA R-552 and shall state, in addition to such other information as may be required:

(1) The purpose for which such ration is sought;

(2) The facts supporting the claim that transportation is needed for such purpose;

(3) The alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose; and

(4) The number of miles of driving claimed to be essential for the accomplishment of the purpose.

[§ 1394.7853 added by Amendment 47, 8 F.R. 6261, effective 5-14-43]

§ 1394.7854 *Form and issuance of special ration for furlough travel.* (a) The board may grant a special ration for furlough travel only if it finds:

(1) That such ration is needed by the applicant for the purpose claimed;

(2) That transportation is necessary to accomplish such purpose; and

(3) That no reasonably adequate alternative means of transportation are available.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is needed by the applicant for accomplishing the purpose stated. No Board shall issue a special ration for furlough travel which will authorize a member of the armed forces to acquire more than five gallons of gasoline during any single pass, leave or furlough. The Board shall issue one or more gasoline purchase permits (Form OPA R-571) to provide the gallonage allowed and shall note upon the face of each permit the information required by the form. It shall note the last day of the pass, leave or furlough as the last date on which such permit may be used. No gasoline purchase permit shall be issued for a fractional part of a gallon.

At the time of issuance of the ration, the Board shall endorse upon the pass, leave or furlough authorization the Board designation and the number of gallons for which a ration was issued.

[Paragraph (b) amended by Amendment 73, 8 F.R. 13124, effective 9-29-43, and Amendment 84, effective 11-18-43]

[§ 1394.7854 added by Amendment 47, 8 F.R. 6261, effective 5-14-43]

§ 1394.7855 *Special rations for Canadian registered vehicles: non-occupational mileage—(a) Application for ration.* The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for non-occupational mileage driven within the continental limits of the United States. A separate application shall be made on Form OPA R-552 for each vehicle.

(b) *Allowance of ration.* The Board shall grant a special ration under the terms of this section to provide the gal-

lonage requested by the applicant for driving within the continental limits of the United States, except that the Board shall not allow more than fifteen gallons of gasoline for a passenger automobile or more than six gallons of gasoline for a motorcycle in the period of one year, and no ration shall be issued unless the Board finds:

(1) That the vehicle for which the ration is sought is registered in Canada and normally garaged and stationed outside the continental limits of the United States and that such vehicle is not:

(i) Owned or leased by a Federal, State, local or foreign government or government agency.

(ii) Part of a fleet of passenger automobiles.

(iii) Held by a motor vehicle dealer for sale or resale.

(iv) A passenger automobile available for public rental.

(2) That no other ration, which has been issued for such vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.7851, 1394.7853 or 1394.7856.

(c) *Issuance of ration.* If the Board grants the application, it shall issue gasoline purchase permits (Form OPA R-571) to provide the gallonage allowed. The Board shall note upon the face of each such permit the information required by the form. No one gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline or for a fractional part of a gallon, and the total gallonage value of gasoline purchase permits issued under this section shall not provide more than fifteen gallons for use with any one passenger automobile or six gallons for any one motorcycle in the period of one year.

The Board shall make a notation upon the registration card or registration certificate of such vehicle of the gallonage allowed, and the date of issuance and class of ration as provided in § 1394.8003.

[§ 1394.7855 added by Amendment 83, 8 F.R. 15460, effective 11-9-43]

§ 1394.7856 *Special rations for Canadian registered vehicles: occupational mileage—(a) Application for ration.* The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada or operated on dealer or other interchangeable license plates issued in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for occupational mileage driven within the continental limits of the United States. Application shall be made on Form OPA R-535 in the same manner and subject to the same requirements as set forth in § 1394.7703 in regard to applications for supplemental rations, except that:

(1) The application shall be marked "Special."

(2) If mileage is sought for driving to or from a place of work located in the continental United States, the application must be filed with the Board

having jurisdiction over the area in which such place of work is located, otherwise such application may be made to any Board.

(b) *Allowance of mileage.* If the Board finds the facts stated on the application to be true and that the applicant has met all of the requirements set forth in § 1394.7704 (a) and paragraph (a) of this section the Board shall determine the allowed mileage for the vehicle in accordance with the provisions of § 1394.7704, except that:

(1) The provisions of paragraph (d) of § 1394.7704 shall in no way apply.

(2) No mileage shall be allowed if any ration, which has previously been issued for the vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.7851, 1394.7853 or 1394.7855.

(c) *Issuance of ration.* The Board shall issue the ration to provide the allowed mileage in the same manner as it would issue a fleet ration in accordance with the provisions of § 1394.7755 (a), (b) and (c) except that:

(1) The Board shall write "Special" upon the ration book issued.

(2) The Board shall make a notation upon the registration card or registration certificate of such vehicle of the date of issuance, class of ration and the serial number of the ration book (if any) issued as provided in § 1394.8003.

(3) In the case of a vehicle available for public rental, if the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for only the remaining term of the lease and shall write on the outside front cover of the book the date on which the lease terminates, and that the book will expire on that date.

[§ 1394.7856 added by Amendment 83, 8 F.R. 15460, effective 11-9-43]

NON-HIGHWAY RATIOMS

§ 1394.7901 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in § 1394.7904. Non-highway rations shall be issued for three-month periods except that rations for use in connection with farming shall be issued for six-month periods.

[§ 1394.7901 amended by Amendment 12, 8 F.R. 607, effective 1-20-43 and Amendment 25, 8 F.R. 2431, effective 3-2-43]

§ 1394.7902 *Non-highway ration books.* (a) Class E and Class R coupon books shall be issued as non-highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer from the validity date noted on such books by the Board until such rations or books expire or are revoked.

[Paragraph (a) amended by Amendment 25, 8 F.R. 2431, effective 3-2-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(b) Each non-highway ration book issued for use with a motorboat for non-occupational purposes shall be so designated on the inside cover.

[Paragraph (b) as amended by Amendment 84, effective 11-18-43]

§ 1394.7903 *Application for non-highway ration.* (a) Application for a non-highway ration may be made to a Board on or after November 9, 1942, on Form OPA R-537. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for non-highway use during the three-month period, or if the use is in connection with farming, during the six-month period, following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

[Paragraph (b) as amended by Amendment 25, 8 F.R. 2431, effective 3-2-43]

§ 1394.7904 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the three- or six-month period referred to in paragraph (b) of § 1394.7903, and, subject to the provisions of paragraphs (b), (c) and (f) of this section, shall issue to the applicant one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period: *Provided*, That the Board may refuse to issue such ration for the operation of machinery or equipment, other than boats or airplanes, used for athletic, recreational or amusement purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purposes is not essential to the welfare of the area which it serves. Upon the issuance of any ration under this paragraph, the Board shall remove from the book and cancel any coupons in excess of the number allotted.

[Paragraph (a) amended by Amendment 12, 8 F.R. 607, effective 1-20-43, Amendment 25, 8 F.R. 2431, effective 3-2-43, Amendment 43, 8 F.R. 5263, effective 4-24-43, Amendment 72, 8 F.R. 12023, effective 9-1-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(b) If application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall not allow for the non-occupational purpose an amount of gasoline for any three-month period in excess of the number of gallons determined by the following formulae:

[Paragraph (b) amended by Amendment 32, 8 F.R. 3255, effective 3-20-43, Amendment 41, 8 F.R. 4976, effective 4-22-43, Amendment 72, 8 F.R. 12023, effective 9-1-43 and Amendment 80, 8 F.R. 14013, effective 10-12-43]

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred and twenty-five (125) gallons;

(2) In the case of an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons.

The Board shall, in such case, issue a separate book for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include use of a motorboat or outboard motor for travel between a temporary or seasonal home or lodging and a fixed place of work, sightseeing, guiding pleasure parties or conducting or chartering boats for fishing parties, other than commercial fishing.

[Paragraph (2) as amended by Amendment 42, 8 F.R. 5267, effective 4-24-43]

(3) In the case of an inboard motorboat or outboard motor used in connection with farming, the gallonage determined by the formulae in subparagraphs (1) and (2) of this paragraph shall be multiplied by two and the non-highway ration so determined shall be issued for a six-month period.

[Paragraph (3) added by Amendment 25, 8 F.R. 2431, effective 3-2-43]

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of § 1394.8103, no non-occupational ration may be issued for an inboard motor boat or an outboard motor during any three or six-month period for which a ration has already been issued.

[Paragraph (d) as amended by Amendment 25, 8 F.R. 2431, effective 3-2-43]

(e) [Revoked]

[Paragraph (e) revoked by Amendment 41, 8 F.R. 4976, effective 4-22-43]

(f) [Revoked]

[Paragraph (f) added by Amendment 43, 8 F.R. 5263, effective 4-24-43 and revoked by Amendment 72, 8 F.R. 12023, effective 9-1-43]

ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

§ 1394.7951 *Issuance of ration books by the Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5C may be issued by the Office of Price Administration, Washington, D. C., in its discretion, to the Army, Navy, Marine Corps, Coast Guard and the law-enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents or employees, shall make written application therefor to the Office of Price Administration, Washington, D. C., and shall state the number and type of books required, and the use for which such books are intended.

(c) If it grants the application, the Office of Price Administration, Washington, D. C., will issue such books in blank.

§ 1394.7952 *Acknowledgments of delivery.* (a) Form OPA R-544 Revised, for acknowledgment of delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, and War Shipping Administration of the United States, and by post exchanges, ships' service stores and similar facilities located at military or naval posts or stations, will be issued by the Washington office to the Washington headquarters of such agencies or activities. Military or naval posts or stations, and post exchanges, ships' service stores and similar facilities located at such posts or stations, shall use acknowledgments of delivery (or other evidences) for the acquisition of gasoline for transfer to consumers. Such form bearing the signature of an authorized officer, agent or employee of any such agency or activity shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated.

[Paragraph (a) amended by Amendment 4, 7 F.R. 1033, effective 12-15-42, Amendment 31, 8 F.R. 3253, effective 3-20-43 and Amendment 84, effective 11-18-43]

(b) In the event that an acknowledgment of delivery form should not be available, gasoline may be acquired by or on behalf of such agencies or activities in exchange for an emergency acknowledgment on an official letterhead of the agency or activity on whose behalf the gasoline is acquired, or in any other form if such a letterhead is unavailable, but such an emergency acknowledgment may not be used to secure a transfer of gasoline into the fuel tank of a motor vehicle or motorboat not clearly identifiable as owned or leased and operated by one of such agencies or activities. Such emergency acknowledgment shall supply the information required by Form OPA R-544 Revised and shall be signed by an authorized officer, agent, or employee of such agency or activity. Such emergency acknowledgment shall show the address of the agency or activity on whose behalf such emergency acknowledgment was issued. Such emergency acknowledgment may be used as an evidence for the purpose of replenishment by the transferor.

[Paragraph (b) as amended by Amendment 4, 7 F.R. 1033, effective 12-15-42]

(c) [Revoked]

[Paragraph (c) amended by Amendment 79, 8 F.R. 14345, effective 10-25-43 and revoked by Amendment 84, effective 11-18-43]

(d) [Revoked]

[Paragraph (d) revoked by Amendment 4, 7 F.R. 1033, effective 12-15-42]

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS AND TIRE INSPECTION RECORDS

§ 1394.8001 *Appearance before Boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.8002 *Presentation of registration card.* (a) Except as provided in paragraph (b) of this section, no basic ration and no special ration issued under §§ 1394.7851 (b) (1) and (2) 1394.7855 or 1394.7856, shall be issued for any registered motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the Board.

[Paragraph (a) amended by Amendment 20, 8 F.R. 1588, effective 2-8-43 and Amendment 83, 8 F.R. 15460, effective 11-9-43]

(b) If no currently valid registration card or registration certificate has been issued or is outstanding for such motor vehicle, or if such card or certificate has been lost, stolen or destroyed, and such motor vehicle is currently registered for operation on public highways under the law of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration, stating the reasons why no registration card or registration certificate is outstanding. If the Board (or the registrar) is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

§ 1394.8003 *Notation on registration cards.* At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of § 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued. If a ration has been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If a ration is issued without presentation of a registration card or registration certificate pursuant to the provisions of paragraph (b) of § 1394.8002, no notation will be made at the time of issuance of the ration but the applicant shall submit such card, within five (5) days of

issuance of such card or certificate, to a Board for such notation.

[§ 1394.8003 as amended by Amendment 21, 8 F.R. 2353, effective 3-1-43]

§ 1394.8004 *Notation on ration books, applications and coupons.* (a) At the time of issuance of any ration book for a registered or commercial motor vehicle, the person issuing such book shall, unless an official or a fleet identification is used, make a clear notation on the cover thereof, in ink, indelible pencil or by typewriter, of the registration number, if any, of the vehicle for which it is issued, and the name and address of the owner of such vehicle. The Board shall make a notation on the cover of such book (other than a basic book) and on the application therefor, of the date on which it becomes valid and, as the case may be, either of its expiration date or of its earliest renewal date.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil or by typewriter of the name and address of the applicant, the date when such ration shall become valid and the earliest renewal date. Such dates shall also be noted on the application.

[Paragraphs (a) and (b) as amended by Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) [Revoked]

[Paragraph (c) revoked by Amendment 60, 8 F.R. 10364, effective 7-22-43]

(d) Each person to whom a ration book has been or is hereafter issued shall write, stamp or print, clearly and in ink, on the face of the coupons issued to him the following information, except that if no space for notation is provided on the face of the coupons the notation shall be on the reverse side:

(1) In the case of Class A books, the license number and state of registration of the vehicle for which such ration was issued. This information shall be endorsed not later than July 22, 1943, upon each coupon in a ration issued before that date, and shall be endorsed upon each coupon immediately after receipt of any ration issued on or after that date.

(2) In the case of Class B, C, D, T-1 or T-2 books, the license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for fleet or official vehicles the information shall be the official or fleet designation (or the certificate of war necessity number in the case of commercial vehicles not bearing fleet designations) and the state and city or town in which the principal office of the fleet operator is located. This information shall be endorsed not later than July 22, 1943, upon each coupon in a ration which has been issued before that date, and shall be endorsed upon each coupon immediately after receipt of any ration issued on or after that date.

(3) In the case of E and R book coupons, the name and address of the person to whom the ration was issued, as

they appear on the front cover of the ration book. These notations are required only when a transfer is made off the premises of the consumer.

[Paragraph (d) amended by Amendment 24, 8 F.R. 2353, effective 3-1-43 and Amendment 61, 8 F.R. 9304, effective 7-12-43]

(e) Each person to whom bulk coupons have been issued shall not later than July 22, 1943, write, stamp or print his name and address clearly and in ink on the reverse side of each coupon issued to him unless his name and address have already been written on the coupons at the time of issuance, or unless such coupons have been issued as a special ration for furlough travel pursuant to § 1394.7854.

[Paragraph (e) amended by Amendment 14, 8 F.R. 1028, effective 1-20-43, Amendment 47, 8 F.R. 6261, effective 5-14-43 and Amendment 61, 8 F.R. 9304, effective 7-12-43]

(f) At the time of issuance of any ration in connection with which the presentation of a tire inspection record is required pursuant to paragraph (a) of § 1394.8010, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter on the tire inspection record of the vehicle, showing the date of issuance, the class of ration, the serial number of the ration book, if any, issued and either the date of expiration or the earliest renewal date of such ration.

[Paragraph (f) added by Amendment 20, 8 F.R. 1588, effective 2-8-43 and amended by Amendment 67, 8 F.R. 10082, effective 7-24-43]

(g) Upon the renewal of a basic ration the Board shall transcribe and record on the new tire inspection record the following information:

(i) The date of the last previous tire inspection and approval;

(ii) All notations appearing on the old tire inspection record relating to violations and to revocations or denials of rations; and,

(iii) The class, serial number and expiration date or earliest renewal date of any currently valid Supplemental ration book which has been issued to the applicant for use with the vehicle.

[Paragraph (g) added by Amendment 49, 8 F.R. 6441, effective 5-21-43]

§ 1394.8005 *Change in motor vehicle registration number.* (a) The holder of a ration book or tire inspection record issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of such vehicle, submit such ration book and record either to an appropriate State motor vehicle registration official or to a Board for the purpose of having the notation thereon changed to correspond to the new registration number. The book or record shall be submitted to such official at the time of issuance of the new registration number, thereafter; if such submission is made to or to such Board within five (5) days a Board, the registration card or reg-

istration certificate (or in lieu thereof, an appropriate certification in such form as may be designated by the Office of Price Administration) evidencing the new registration number shall be presented with the book or record. A State official to whom such book or record is presented may, and a Board to which such book or record is presented shall, obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil or by typewriter, the new registration number issued for such vehicle. Notation on such new registration card shall also be made, as prescribed in § 1394.8003. Such notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall upon any change in the name, identification or designation of such official or fleet vehicles, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such official or fleet vehicles, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

§ 1394.8006 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles operated by him or for non-highway use, and that he has maintained such tank for such purposes prior to July 1, 1942, or that it has since become necessary to maintain a storage tank; or to acquire gasoline in a tank, tank truck, drum, or other container for supplying gasoline to such vehicles or for such use, may, when applying for a ration, request the Board to issue such ration in the form of gasoline deposit certificates [Form OPA R-568], or partly in gasoline deposit certificates and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

[Paragraph (a) as amended by Amendment 50, 8 F.R. 6346, effective 6-15-43]

(b) If the applicant establishes the facts required by paragraph (a) hereof and establishes the necessity for acquiring 960 gallons or more per month by bulk transfer, the Board shall issue one or more gasoline deposit certificates to the extent of the gallonage allowed by it for which gasoline deposit certificates are requested; *Provided*, That, with respect to applications for supplemental rations, or for official or fleet rations for passenger automobiles or motorcycles as provided in § 1394.7705 or § 1394.7755, the Board shall first determine the type, number and earliest renewal date of the coupon books to which the applicant is entitled; it shall then issue a gasoline deposit certificate or certificates to the

extent requested by the applicant, in an amount equal to the gallonage value of the coupons in the coupon books to which the applicant is entitled in lieu of which gasoline deposit certificates are issued; *Provided further*, That upon renewal of the applicant's ration the Board may issue gasoline deposit certificates even though the applicant's need for acquiring gasoline by bulk transfer may be slightly less than 960 gallons per month.

[Paragraph (b) amended by Amendment 34, 8 F.R. 3254, effective 3-20-43, Amendment 40, 8 F.R. 6346, effective 6-15-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) [Revoked]

[Paragraph (c) added by Amendment 14, 8 F.R. 1023 and revoked by Amendment 50, 8 F.R. 6346, effective 6-15-43]

(d) At the time of issuance of any gasoline deposit certificate, the Board shall note upon the application for a gasoline ration the expiration date of the ration and the serial number and gallonage value of gasoline deposit certificates issued. Each gasoline deposit certificate issued shall contain the designation of the issuing Board, the signature of the issuing officer, the name and address of the applicant, the gallonage, in words and numerals, for which the certificate is issued, the type of ration or rations issued in the form of gasoline deposit certificates, and the gallonage of each such type.

[Paragraph (d) added by Amendment 50, 8 F.R. 6346, effective 6-15-43]

§ 1394.8007 *Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.* In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of such coupons from the rightful holder, the person entitled to the possession thereof shall make application for the replacement of such book or coupons pursuant to the provisions of Procedural Regulation No. 12: *Provided*, That where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the Board shall waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12 where such requirement will result in extreme hardship upon the individual, impede essential transportation or will be contrary to the public interest; *Provided further*, That where application is made to a Board other than the Board of original issuance of the coupon book or bulk coupons, an additional copy of the application shall be made to be forwarded to the Board of original issuance.

[§ 1394.8007 as amended by Amendment 33, 8 F.R. 4331, effective 4-8-43]

§ 1394.8008 *Disposition of lost coupon books.* (a) Any person who finds a gasoline coupon book, coupon or other evidence shall, within five (5) days, surrender such coupon book, coupon or other evidence to a Board.

* 8 F.R. 3171, 6343.

(b) The Board to which a coupon book, coupon or other evidence is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or other evidence through the District Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon or other evidence.

[Paragraph (b) as amended by Amendment 79, 8 F.R. 14345, effective 10-25-43]

§ 1394.8009 *Issuance of tire inspection records.* (a) Upon the issuance of any basic, official or fleet ration (or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758) during the period between November 9, 1942, and December 12, 1942, inclusive, the Board or Registrar, as the case may be, shall issue one tire inspection record on Part B of Form OPA R-534 for each vehicle for which a ration is issued unless a tire inspection record has previously been issued for such vehicle.

[Paragraph (a) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(b) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner (or an agent of the registered owner, as provided in § 1394.7653) of a motor vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A may apply on Form OPA R-534 for a tire inspection record. The applicant shall set forth the serial numbers of the tires mounted (including one spare per motor vehicle) on the vehicle for which the tire inspection record is sought. The Board shall issue one tire inspection record for each vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A. *Provided*, That no such record shall be issued unless the registered owner or, under the conditions permitted by paragraph (b) of § 1394.7653, an agent of the registered owner, certifies as required by the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of the registered owner and related to him by blood, marriage or adoption, other than tires reported on Form OPA R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(c) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner or a responsible representative of the registered owner of a fleet vehicle for which a fleet ration has been issued pursuant to Ration Order No. 5A, or a person to whom a ration has been issued pursuant to § 1394.1309 of Ration Order No. 5A, may make application on Form OPA R-551 for a tire inspection record. The applicant shall set forth the number of vehicles for which such rations are outstanding,

the number and serial numbers of the tires mounted (including one spare per motor vehicle) on each such vehicle, and shall execute the certificate with respect to tires owned by the registered owner of the vehicles for which such fleet rations have been issued (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A with respect to tires owned by the owner of the vehicle) The Board shall issue one tire inspection record for each such vehicle as to which there is outstanding a currently valid ration pursuant to Ration Order No. 5A.

Provided, That no tire inspection record shall be issued pursuant to the provisions of this paragraph unless the registered owner or a responsible representative of the registered owner (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the person to whom the ration was issued) certifies, as required by the application, that the registered owner of the vehicle or vehicles described in the application (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the owner of the vehicle) owns no passenger type tires (excluding motorcycle tires but including scrap tires) other than tires reported on Form OPA R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) After December 12, 1942, no tire inspection record shall be issued unless the application therefor was made prior to that date or the applicant shows good cause why such application was not made on or before December 12, 1942.

[Paragraph (d) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

§ 1394.8010 *Presentation of tire inspection records.* After December 12, 1942, no supplemental, official or fleet ration or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758 shall be issued or renewed and no Basic A ration shall be renewed unless the applicant presents to the Board a tire inspection record for each vehicle for which the ration is sought indicating that odometer readings have been taken and that the tires on such vehicle have been inspected and approved in accordance with the requirements of Ration Order No. 1A, except:

(a) In the case of a renewal application for a fleet or official ration the Board may renew such ration without the presentation of the tire inspection records if the applicant submits to the Board his signed statement setting forth that it would impose undue hardship upon him to present the tire inspection records because of the number or location of the vehicles involved or for other good reasons, that the odometer readings have been taken and that the tires on each vehicle have been inspected and approved in accordance with the requirements of Ration Order No. 1A.

(b) The Board in its discretion may waive the requirements of this section and, notwithstanding the applicant's

failure to have the tires inspected periodically, may issue or renew any supplemental, official or fleet ration or ration issued pursuant to the provisions of, § 1394.7757 or § 1394.7758, or may renew any Basic A ration, if the tire inspection record or the signed statement submitted to the Board pursuant to paragraph (a) of this section shows that the required readings, inspections and approvals have been made within sixty (60) days prior to the filing of the application. If a waiver is granted under this paragraph or under § 1315.502 (b) of Ration Order No. 1A, the required inspections prior to the waiver shall be deemed to have been obtained.

[§ 1394.8010 amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 25, 8 F.R. 2431, effective 3-2-43, Amendment 32, 8 F.R. 3255, effective 3-20-43, Amendment 41, 8 F.R. 4976, effective 4-22-43, Amendment 49, 8 F.R. 6441, effective 5-21-43 and Amendment 68, 8 F.R. 10364, effective 7-22-43]

§ 1394.8011 *Denial of rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.46 of Ration Order No. 5 or § 1394.1406 of Ration Order No. 5A for refusal to surrender a ration card, book, coupon or other evidences upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5C, while his name remains thus recorded.

(b) When any person has refused or failed, without good cause shown, to surrender coupons, coupon books or a ration check as required by an order issued by a Board or a representative of the Office of Price Administration pursuant to Ration Order No. 5C, a Board may deny any pending or subsequent application for a ration made by or for the use of such person.

[Paragraph (b) amended by Amendment 11, 8 F.R. 372, effective 1-7-43, Amendment 16, 8 F.R. 1202, effective 3-26-43, Amendment 48, 8 F.R. 6178, effective 5-11-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

§ 1394.8012 *Earliest effective date of rations.* Notwithstanding any other provision of Ration Order No. 5C, no ration shall be issued pursuant to Ration Order No. 5C for use prior to December 1, 1942.

[§ 1394.8012 as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

§ 1394.8013 *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or non-highway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motorboat or equipment, and other than gasoline held by a dealer or distributor for transfer, or gasoline obtained in exchange for valid coupons or other evidences. No deduction may be made by the Board in issuing a ration on account of any such gasoline on hand.

§ 1394.8014 Issuance of rations notwithstanding ownership of excess tires.

(a) Notwithstanding any other provisions of Ration Order No. 5C, a basic, supplemental, or fleet ration, or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, or a tire inspection record on Part B of Form OPA R-534, may be issued or renewed, and such a ration may be used for the operation of a motor vehicle, even though the registered owner or lessee of such vehicle (or, with respect to basic or supplemental rations, any person living in the household of such owner and related to him by blood, marriage or adoption) owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment, if:

(1) Such other tires have been acquired pursuant to a certificate issued under the Revised Tire Rationing Regulations or Ration Order No. 1A, or such tires are held for a purpose for which a certificate authorizing the acquisition of tires or recapping services may be obtained under Ration Order No. 1A and are not in excess of the number which would preclude a person from obtaining such a certificate, or the possession and use of such tires is otherwise expressly permitted or authorized by the Office of Price Administration or by the War Production Board.

[Paragraph (1) as amended by Amendment 10, 8 F.R. 369, effective 1-7-43]

(2) Such other tires are scrap tires held for purposes of sale or other disposition by a person regularly engaged in the business of dealing in scrap, or by a reclaiming or processing plant for the purpose of processing such tires;

(3) Such other tires are owned jointly by two or more persons, or are and have been, continuously since November 8, 1942 or earlier, subject to a lien or otherwise designated or held as security for debt under a mortgage, pledge or similar security transaction, and the owner of such tires is unable to secure the consent of the joint owner of, or the holder of a security interest in, such tires to their sale or other disposition;

(4) Such other tires are held for use as spares for farm equipment or farm implements, if the Board finds that such spares are necessary for continued operation of such equipment, but in any event not in excess of one (1) spare for each such piece of equipment; or

(5) Such other tires are held for use in moving house trailers by persons regularly engaged in the business of towing house trailers: *Provided*, That no such person shall own or keep for such use more than eight (8) passenger-type tires for each establishment, plus four (4) additional passenger-type tires for each separate branch at which a tow car is regularly kept: *Provided further* That the number of passenger-type tires which may be retained for such purpose

shall be reduced by the number of other type tires which are similarly held.

[Paragraph (5) added by Amendment 10, 8 F.R. 369, effective 1-7-43]

(b) The registered owner or lessee of the vehicle for which the ration or tire inspection record is sought shall, if such other tires are held for one of the reasons enumerated in paragraph (a) of this section, submit together with his application a signed statement to the Board setting forth the grounds upon which the claim to permissible retention of such other tires is based. If the Board finds that retention of such other tires is permitted or authorized under the provisions of paragraph (a) of this section, it shall, if the applicant is otherwise entitled thereto, issue the ration or tire inspection record for which application was made.

(c) In any case in which such other tires have been transferred by a manufacturer, testing laboratory, or other person to, and are held by, an applicant for a ration or tire inspection record for testing purposes pursuant to authorization by the Office of Price Administration or the War Production Board, the official in charge of such testing program shall execute an affidavit in duplicate setting forth the name and address of the person holding such test tires, the make, license number and state of registration of the vehicle upon which such tires are mounted, the date and nature of the authorization pursuant to which such tires were transferred, the serial numbers of the tires which are being tested, and the serial numbers of the tires which have been removed from the vehicle for purposes of the test. The original of such affidavit shall be filed with the Board at the time of making application for a ration or tire inspection record in lieu of the signed statement required in paragraph (b) of this section, and the duplicate thereof shall be retained by the applicant. If the Board finds that such other tires have been transferred to and are held by the applicant for authorized testing purposes, it shall, if the applicant is otherwise entitled thereto, issue the ration or tire inspection record sought, and shall set forth on such tire inspection record the serial numbers of the tires physically mounted on such vehicle (including one spare), whether or not such tires are held for testing purposes.

[§ 1394.8014 added by Amendment 4, 7 F.R. 10338, effective 12-15-42]

§ 1394.8015 Exchange of bulk coupons for gasoline deposit certificates. A consumer who holds a valid ration in the form of bulk coupons and who establishes a need for acquiring 960 gallons or more per month by bulk transfer may, at any time, surrender such bulk coupons to the issuing Board and obtain in exchange one or more gasoline deposit certificates of equivalent gallonage issued in the manner provided in § 1394.8006 (d)

§ 1394.8016 Issuance of coupon books in exchange for checks. A bulk consumer who maintains a ration bank ac-

count pursuant to paragraph (e) of § 1394.8206a may, at any time, procure from the Board which issued his ration, coupon books of any type which his application shows him to be entitled to receive in exchange for a ration check, payable to the Office of Price Administration, in an amount equal to the gallonage value of the coupon books issued. A check issued for this purpose shall not be certified. It shall be endorsed by the Board and returned promptly by the Board to the bank on which it is drawn.

[§§ 1394.8015 and 1394.8016 added by Amendment 50, 8 F.R. 6346, effective 6-15-43]

§ 1394.8017 Presentation of receipt for former rations after change of ownership of vehicle. No basic, fleet, official or transport ration, or ration pursuant to § 1394.7757 shall be issued for any motor vehicle which has changed ownership after December 31, 1943 unless the applicant submits to the Board, with his application for such ration, the duplicate copy of a receipt on Form OPA R-569 obtained pursuant to the provisions of § 1394.8103 (e). Any ration which has been issued after a change in ownership of a vehicle may be renewed without presentation of such receipt.

[§ 1394.8017 added by Amendment 85, effective 12-1-43]

RENEWAL OF RATIOMS AND ISSUANCE OF FURTHER RATIOMS

§ 1394.8051 Renewal of rations. (a) Rations shall expire as provided in §§ 1394.8054 (b), 1394.8102, and 1394.8103. Application for a renewal of a basic or special ration or a transport ration for which no Certificate of War Necessity is required may be made at any time within thirty days prior to the expiration of such ration, or at any time thereafter. Application for a renewal of a supplemental, official, fleet or non-highway ration may be made within fifteen days before the earliest renewal date or at any time thereafter. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

[Paragraph (a) as amended by Amendment 67, 8 F.R. 10032, effective 7-21-43]

(b) (1) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a renewal thereof (except in the case of a basic or transport ration or a special ration issued pursuant to §§ 1394.7851, 1394.7854, or 1394.7855) may be made by executing Form OPA R-543. The applicant shall in such case note on such form any changes in the nature or amount of his use since the date of the original application. If the applicant or principal user is employed at an establishment or facility described in subparagraph (3) of paragraph (a) of § 1394.7704 such form must be certified as indicated thereon by

an official in charge of an organized transportation plan at such place of employment. If the Board is satisfied that there have been no substantial changes in the applicant's gasoline needs, or in the nature, amount and conditions of use of the motor vehicle for which the original ration was issued it may issue a renewal of such ration without requiring execution by the applicant of a new original application.

[Paragraph (1) as amended by Amendment 83, 8 F.R. 15460, effective 11-9-43]

(2) In the case of a renewal of a transport ration issued for use with a commercial vehicle for which a Certificate of War Necessity has been issued, the Board shall, before the beginning of the calendar quarter, issue a renewal ration for such quarter without requiring execution by the applicant of any renewal form. If the renewal is for a fleet of commercial motor vehicles the Board shall notify the applicant not less than fifteen (15) days prior to the beginning of the new quarter to appear for a renewal ration. In order to obtain the first renewal after March 1, 1943 of a transport ration issued before that date the applicant must present to the Board the single unit certificate issued for the vehicle, or in the case of a fleet of commercial vehicles, the fleet certificate issued for such fleet. The Board, upon such a renewal, shall insert at the appropriate places provided in the applicant's original application on Form OPA R-536 the maximum number of gallons of gasoline allowed by such certificate for the quarterly periods thereupon indicated. Upon receipt of notice from the Office of Defense Transportation that a Certificate of War Necessity has been recalled or revoked, or that the maximum gallonage allowance upon such certificate has been modified for any quarter, the Board shall make a notation upon the applicant's original application that the certificate has been recalled or revoked, or shall, in accordance with the notice received, revise the quarterly allowances which it originally inserted on such application pursuant to this section or paragraph (b) of § 1394.7805. Thereafter, if the certificate has been revoked, the Board shall issue no renewals. If the allowances have been modified, the renewals shall be issued in accordance with the modified allowances. If the Board receives notice of the increase of the former allowance for a calendar quarter after the issuance of the renewal of the ration for that quarter, the Board shall issue additional rations to the applicant equal to the difference between the rations previously issued and the maximum gallonage specified in the notice.

(1) Upon the renewal of transport rations in the restricted area for use during the period from July 1, 1943 to October 1, 1943, the Board shall allow and issue transport rations subject to the following provisions:

(a) If the Board has received a notice of adjustment of the applicant's Certificate of War Necessity from the Office of Defense Transportation dated on or

after June 1, 1943, the Board shall allow the maximum number of gallons of gasoline specified in such notice for the third quarter of 1943.

(b) If the Board has not received such a notice dated on or after June 1, 1943, the Board shall allow 44 per cent of the maximum number of gallons of gasoline for such calendar quarter last specified by the Office of Defense Transportation as shown by the Certificate of War Necessity or the last modification thereof, if any. However, if the Board later receives such a notice which specifies a maximum gallonage for such third calendar quarter greater than the amount theretofore issued, the Board shall issue additional rations to the applicant equal to the difference between the rations previously issued and the maximum gallonage specified in the notice.

(ii) Upon the renewal of such transport rations in the Restricted Area for use during the period from October 1, 1943 to January 1, 1944, the Board shall allow and issue transport rations subject to the following provisions:

(a) In respect to rations for vehicles available for public rental, buses (including school buses), taxis, ambulances, and hearses, the Board shall allow the maximum number of gallons of gasoline last specified for the fourth quarter of 1943 by the Office of Defense Transportation.

(b) In respect to rations for commercial motor vehicles, except vehicles available for public rental, buses, taxis, ambulances and hearses, the Board shall allow the maximum number of gallons of gasoline specified for the fourth quarter of 1943 by the Office of Defense Transportation in the last notice received by the Board from that Office dated on or after June 1, 1943. If the applicant's certificate of war necessity was issued before June 1, 1943 and the Board has not received a notice of adjustment of such certificate from the Office of Defense Transportation dated on or after June 1, 1943, the Board shall allow only sixty per cent of the maximum number of gallons of gasoline last specified by the Office of Defense Transportation for the fourth quarter of 1943 as shown by the certificate of war necessity or the last modification thereof, if any. However, if the Board later receives such a notice which specifies a maximum gallonage for such fourth calendar quarter greater than the amount theretofore issued, the Board shall issue additional rations to the applicant equal to the difference between the rations previously issued and the maximum gallonage specified in the notice.

[Paragraph (2) amended by Amendment 54, 8 F.R. 8009, effective 6-14-43 and Amendment 76, 8 F.R. 13180, effective 9-30-43]

(3) An applicant may renew a transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, by filling in the pertinent information on the face of the original Form OPA R-536 for the period for

which the ration is required and executing the renewal certificate.

[Paragraph (3) added by Amendment 25, 8 F.R. 2431, effective 3-2-43]

(4) In the case of a basic ration, the owner or person entitled to the use of the registered vehicle, or the agent of either shall execute an application on Form OPA R-570. The applicant shall file such application with a Board and shall submit therewith the back cover of the current basic ration book issued for use with the vehicle. If such back cover is submitted, no registration certificate or registration card need be presented. If the applicant is unable to submit such back cover, he shall establish to the satisfaction of the Board that: (i) he is a person entitled to make such application; (ii) the vehicle is currently registered and in use; and (iii) no renewal of the basic ration has been issued for the vehicle and no application for such a renewal is pending at any Board. He must also submit the registration certificate or registration card issued for such vehicle. If the required documents are presented and the Board is satisfied that the vehicle is in use and that the applicant has complied with the requirements of this subparagraph and of § 1394.8010, it shall issue a renewal of such ration in the manner prescribed in § 1394.7653 (d) and shall also issue a tire inspection record on Part "B" of Form OPA R-570 with the notations required in § 1394.8004 (g). If the registration certificate or registration card has been submitted, the Board upon issuing a renewal of the basic ration shall note upon such certificate or card the same notations as are required in the case of an original issuance of a basic ration.

[Paragraph (4) added by Amendment 40, 8 F.R. 6441, effective 5-21-43 and amended by Amendment 68, 8 F.R. 10364, effective 7-22-43] [Paragraph (b) amended by Amendment 14, 8 F.R. 1028, effective 1-20-43, Amendment 20, 8 F.R. 1588, effective 2-8-43 and Amendment 25, 8 F.R. 2431, effective 3-2-43]

(c) When renewing a ration prior to the end of the period for which a current ration of the same class was issued, the Board shall note on the application and on the front cover of the coupon book (if any) representing such renewed ration the date on which such book shall become valid. Such date shall be the earliest renewal date of the current ration or the day following the expiration date.

(d) Except as provided in § 1394.8052 and § 1394.8053, no ration of any class may be renewed for use before (or may be used before) the end of the period for which the preceding ration of the same class was issued.

[Paragraphs (c) and (d) as amended by Amendment 67, 8 F.R. 10082, effective 7-24-43]

(e) Notwithstanding any other provisions of this section, no Board shall allow mileage in respect to any renewal of a supplemental, fleet or official ration, or any ration issued pursuant to the pro-

visions of §§ 1394.7757 or 1394.7758 which will in any way compensate for any loss in mileage due to the reduction in the unit value of Class B and C book coupons made in the Restricted Area on June 2, 1943, or in Area B on August 16, 1943, or in the gasoline shortage area and in Area B on October 1, 1943, or in Area A on October 12, 1943, or due to the reduction in the unit value of Class A book coupons made in Area A on October 12, 1943, unless such restoration has already been made pursuant to the former provisions of § 1394.8353 (j) or unless such restoration is made pursuant to the provisions of § 1394.8052.

[Former paragraph (e) added by Amendment 6, 7 F.R. 10787, effective 12-21-42, amended by Amendment 13, 8 F.R. 565, effective 1-13-43, Amendment 17, 8 F.R. 1365, effective 2-1-43, Amendment 37, 8 F.R. 3616, effective 3-22-43 and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43. New paragraph (e) added by Amendment 77, 8 F.R. 13391, effective 10-1-43, and amended by Amendment 80, 8 F.R. 14013, effective 10-12-43]

(f) [Revoked]

[Paragraph (f) added by Amendment 13, 8 F.R. 565, effective 1-13-43 and amended by Amendment 37, 8 F.R. 3616, effective 3-22-43 and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

§ 1394.8052 *Issuance of further ration for use before end of period of current ration.* (a) Any person who finds that a ration currently held by him fails to meet his requirements may apply for a further ration of the same class (except a basic ration) prior to the end of the period for which his current ration was issued, if his current ration is insufficient for any of the following reasons:

(1) A change in occupation or in the location of place of business or residence, or other change in circumstances, or a seasonal variation in the amount of occupational mileage needed, or a miscalculation of needs.

(2) An extension of the period of validity of a basic ration, or a reduction in the unit value of Class A, B or C coupons, by reason of which the holder of the ration cannot perform the driving essential to carry on his occupation, or, in the case of a special ration, he cannot perform the purpose for which it was issued.

[Paragraph (a) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 45, 8 F.R. 5564, effective 5-1-43, Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 71, 8 F.R. 11429, effective 8-16-43]

(3) A change in Ration Order No. 5C increasing the amount of mileage allowable to the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 or § 1394.7758.

[Paragraph (3) added by Amendment 76, 8 F.R. 13180, effective 9-30-43]

(b) Application for a further ration shall be made in the same manner as the application for the current ration, and

the applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use before the end of the period for which the current ration was issued.

[Paragraph (b) amended by Amendment 67, 8 F.R. 10082, effective 7-24-43 and Amendment 71, 8 F.R. 11429, effective 8-16-43]

(c) If a Board determines that, for one or more of the reasons specified in paragraph (a) of this section, the applicant requires more mileage, or, in the case of a non-highway ration, he requires more gasoline than the amount provided by the current ration issued to him, and that he has satisfied all the requirements of Ration Order No. 5C in respect to the allowance and issuance of the ration for which he has applied, it may grant a further ration in accordance with the provisions of § 1394.8054. However, the Board may grant a ration to compensate for mileage lost by reason of a reduction in the unit value of Class A, B or C coupons or of the extension of the period of validity of Class A coupons or Basic Class D coupons only if it finds that the applicant still requires the mileage lost by reason of such reduction.

[Paragraph (c) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 13, 8 F.R. 565, effective 1-13-43, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 39, 8 F.R. 4341, effective 4-8-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, and Amendment 77, 8 F.R. 13391, effective 10-1-43]

(d) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, or ration pursuant to the provisions of § 1394.7757 or § 1394.7758, or non-highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754 or § 1394.7904, as the case may be.

[Paragraph (d) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 54, 8 F.R. 8009, effective 6-14-43]

(e) No further transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a certificate of war necessity is required more gasoline for the current ration period than the amount authorized by the certificate of war necessity or the last modification thereof. During the period from June 14, 1943, through December 31, 1943, no Board shall allow further rations for use with such a vehicle or fleet, unless the Board first receives from the Office of Defense Transportation a written notice dated on or after June 1, 1943, specifying the maximum number of gallons of gasoline for the current ration period. In the event such a notice is received the Board shall not allow further rations

which would provide for the vehicle or fleet for the current ration period a greater aggregate amount of gasoline than the amount specified for that period in such notice.

[Paragraph (e) added by Amendment 54, 8 F.R. 8009, effective 6-14-43 and amended by Amendment 76, 8 F.R. 13180, effective 9-30-43]

§ 1394.8053 *Special cases.* (a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the end of the period for which such current ration was issued.

[Paragraph (a) as amended by Amendment 67, 8 F.R. 10032, effective 7-24-43]

(b) Such application shall be made in the same manner as the application for the current ration. It may be granted only if such current ration is a supplemental ration based on an allowed mileage in excess of 480 miles per month in Area A or Area B, or 320 miles per month in the gasoline shortage area.

[Paragraph (b) amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 14, 8 F.R. 1023, effective 1-20-43, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 71, 8 F.R. 11423, effective 8-16-43, and Amendment 84, effective 11-18-43]

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use before the end of the period for which the current ration was issued;

[Paragraph (3) as amended by Amendment 67, 8 F.R. 10082, effective 7-24-43]

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which an application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may, upon receiving the surrender of the former ration, issue a new and further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

[Paragraph (d) as amended by Amendment 33, 8 F.R. 4331, effective 4-8-43]

(e) [Revoked]

[Paragraph (e) revoked by Amendment 84, effective 11-18-43]

§ 1394.8054 *General provisions.* (a) All of the provisions of Ration Order No. 5C applicable to the issuance of an original ration shall apply to the renewal of a ration and to the issuance of a further ration pursuant to §§ 1394.8051, 1394.8052 and 1394.8053, except as otherwise expressly provided in those sections.

(b) Except as provided in paragraph (c) of this section, when granting a further ration pursuant to the provisions of § 1394.8052 or § 1394.8053 for use before the end of the period for which the current ration was issued, the Board shall require the surrender of such current ration and upon receiving the surrender thereof shall issue a new ration valid from the date of issuance.

[Paragraph (b) amended by Amendment 39, 8 F.R. 4331, effective 4-8-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(c) When granting a further ration as a transport ration for use prior to the expiration date of the current ration the Board shall allow, subject to the provisions of § 1394.8052 (e) the amount of gasoline required by the applicant prior to the end of the period during which his current ration is to be used.

[Paragraph (c) as amended by Amendment 54, 8 F.R. 8009, effective 6-14-43]

EXPIRATION, REVOCATION AND REDETERMINATION OF RATIONS

§ 1394.8101 *Surrender of expired coupons.* (a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) Except as otherwise provided in paragraphs (b) and (c) of § 1394.8103, the person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all unused coupons representing such ration. If such ration is evidenced by credits in a ration bank account, he shall within five days issue to such Board a check, payable to the Office of Price Administration, for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A check issued for this purpose shall not be certified. It shall be endorsed by the Board and returned promptly by the Board to the bank on which it is drawn.

[Paragraph (b) amended by Amendment 46, 8 F.R. 5756, effective 5-2-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

§ 1394.8102 *Expiration of rations.* (a) All Class A coupons and coupons in Basic Class D books shall expire at the end of the respective valid periods provided in § 1394.7652. Except as otherwise provided in § 1394.8103 (c) all transport rations whether represented by Class T coupons, bulk coupons; gasoline deposit certificates or credits in a ration bank account, shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943, and

transport rations issued by a Board in the Restricted Area for use during the second calendar quarter of 1943 shall not expire in the Restricted Area until 12:01 A. M. July 26, 1943. All special rations (except rations issued for leave or furlough) and rations issued for leased vehicles pursuant to § 1394.7758 shall expire as noted on the books or applications. Any other ration shall expire on the date when a renewal of such ration becomes valid. Within five days after a ration expires for any of the reasons set out in this paragraph, the person to whom such ration was issued shall surrender to the issuing Board all unused coupons representing such ration, except that he shall surrender all unused coupons representing transport rations to the district office of the Office of Defense Transportation which has jurisdiction with respect to the certificate of war necessity for the vehicle for which the ration was issued. If the expired ration is evidenced by credits in a ration bank account the person to whom it was issued shall, within five days after expiration of the ration, issue a check for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A check issued for this purpose shall not be certified. If the expired ration is a transport ration the check shall be made payable to the Office of Defense Transportation and surrendered to the district office of the Office of Defense Transportation which has jurisdiction with respect to the certificate of war necessity. Otherwise the check shall be made payable to the Office of Price Administration and shall be surrendered to the issuing Board. Any check so surrendered shall be endorsed by the Board or office to which it was surrendered, and returned promptly to the bank on which it is drawn. The Office of Defense Transportation shall give the ration holder a receipt for all coupons or other evidences surrendered pursuant to this paragraph, and shall destroy all coupons so surrendered.

[Paragraph (a) amended by Amendment 14, 8 F.R. 1028, effective 1-20-43, Amendment 37, 8 F.R. 3616, effective 3-22-43, Amendment 46, 8 F.R. 5756, effective 5-2-43, Amendment 50, 8 F.R. 6846, effective 6-15-43, Amendment 54, 8 F.R. 8009, effective 6-14-43, Amendment 57, 8 F.R. 9022, effective 6-29-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(b) Notwithstanding the provisions of paragraph (a) of this section, all bulk coupons issued on Form OPA R-553 or Form OPA R-554 (bulk coupons which do not bear the printed word "Gasoline" on their face) shall expire at midnight January 21, 1943.

[Paragraph (b) added by Amendment 14, 8 F.R. 1028, effective 1-20-43]

§ 1394.8103 *Expiration of rations upon cessation of use, change in ownership, revocation or modification of Certificates of War Necessity.* (a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment

shall expire and the person to whom such ration was issued shall, within five days after its expiration, surrender to the issuing Board all unused coupons and books issued therefor. If such ration is evidenced by credits in a ration bank account, the person to whom such ration was issued shall, within five days issue to such Board a certified check, payable to the Office of Price Administration, for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. The transferee of such vehicle, boat or equipment may apply for a ration therefor in his own behalf, in accordance with the applicable provisions of Ration Order No. 5C: *Provided*, That such transferee may not obtain a ration unless a bona fide transfer is involved.

[Section heading as amended by Amendment 46, 8 F.R. 5756, effective 5-2-43. Paragraph (a) as amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(b) Upon cessation of use of a ration (other than a basic ration) for a purpose for which such ration may be obtained, or when the circumstances under which such ration is being used change so that a ration of the same class and quantity could not be issued under such changed circumstances, such ration shall expire. The holder of such expired ration shall, within five days after such cessation or change of circumstances, surrender to the issuing Board all unused coupons and coupon books issued therefor. If such ration is evidenced by credits in a ration bank account, the holder shall within five days issue to the Board a certified check, payable to the Office of Price Administration, for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. Upon change of circumstances of use of a ration the ration holder may, however, within five days after such change, apply to the board in writing, setting forth the details of such change and requesting its advice as to whether such ration may continue to be used under the changed circumstances, and in such case the board shall advise the ration holder whether the ration may continue to be used, and he may retain the ration pending the Board's reply to his request.

[Paragraph (b) amended by Amendment 49, 8 F.R. 6178, effective 6-11-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

(c) (1) Upon revocation by the Office of Defense Transportation of any Certificate of War Necessity all rations issued for use with the vehicle or vehicles to which such certificate pertains shall immediately expire.

[Paragraph (c) designated (d) (1) and amended by Amendment 46, 8 F.R. 5756, effective 5-2-43]

(2) When the Office of Defense Transportation has modified a Certificate of War Necessity by decreasing the number of gallons of gasoline allowed under such certificate, it may determine the amount of Class T coupons, bulk coupons or

credits in a ration bank account the holder has on hand for the operation of the vehicle or vehicles for which such certificate and ration were issued for the remainder of the quarter. It may also determine what amount, if any, of such coupons or credits provide gallonage in excess of the gallonage required for the operation of such vehicle or vehicles for the remainder of the quarter under the modified certificate, and in such a case the Office of Defense Transportation shall notify the holder of the amount of such excess coupons and ration credits. Thereupon such coupons and ration credits shall immediately expire.

(3) The holder of a ration which has expired in whole or in part under the provisions of paragraphs (1) or (2) of this section shall immediately upon demand made by a person designated by the Office of Defense Transportation for that purpose, surrender to such person coupons or, when such ration is represented by credits in a ration bank account, a ration check payable to the Office of Defense Transportation, equal in gallonage value to that portion of the ration which has expired. The Office of Defense Transportation shall give the ration holder a receipt for all coupons or checks surrendered under this subdivision and shall destroy such surrendered coupons. A check issued for this purpose shall not be certified. It shall be returned promptly by the person to whom it is surrendered to the bank on which it is drawn.

[Paragraphs (2) and (3) added by Amendment 46, 8 F.R. 5756, effective 5-2-43 and amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(d) (1) Upon termination of the employment of a ration holder at a plant, establishment or facility at which an organized transportation plan has been established in the charge of a committee or official with authority to accept the surrender of expired rations, any supplemental ration issued for the use of such ration holder in connection with such employment shall expire and all unused books or coupons representing such ration shall be surrendered immediately by the holder thereof to such committee or official or to the issuing Board. If such ration is evidenced by credits in a ration bank account, the holder shall immediately issue to such committee or official or to the issuing Board a certified ration check, payable to the Office of Price Administration, for the net balance in his account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A committee or official to whom any book or ration coupons or a ration check is surrendered shall issue a receipt therefor, and promptly forward such book, coupons or check to the issuing Board, or, in the event the rations for the employees are issued by more than one Board the book, coupons or ration check shall be forwarded in such manner as may be prescribed by the District Director having jurisdiction over the area in which such plant, establishment or facility is located.

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(2) Authority to accept the surrender of expired rations may be conferred upon the committee or official in charge of an organized transportation plan by the Board which has jurisdiction to issue rations for all of the employees of the plant, establishment or facility at which the plan has been established. If no Board has such jurisdiction the authority may be conferred by the District Director having jurisdiction over the areas in which such plant, establishment or facility is located.

[Paragraph (d) added by Amendment 70, 8 F.R. 10511, effective 7-31-43]

(e) (1) Upon receiving the surrender, pursuant to § 1394.8103 (e) of all of the unused coupons, coupon books and credits in a ration bank account which represent a ration for use with a motor vehicle transferred to a new owner, the Board shall issue a receipt (Form OPA R-569) in duplicate. When a Board is satisfied that the ration issued to the transferor of the vehicle has been lost, stolen or accidentally destroyed or is being wrongfully withheld from the possession of the transferor, or that no ration (whether valid or expired) issued for use with such vehicle is outstanding, or is satisfied that to refuse to issue a receipt (Form OPA R-569) or to require surrender of such ration would cause undue hardship, the Board shall issue such a receipt in duplicate without a surrender of such coupons, books and ration checks.

(2) After December 31, 1943, any person who transfers a motor vehicle shall deliver to the transferee at the time of transfer duplicate copies of a receipt duly issued by a Board on Form OPA R-569.

(3) After December 31, 1943, the transferee of a motor vehicle, before registering the vehicle in any State for use, shall present the original copy of the receipt on Form OPA R-569 to the Registrar of Motor Vehicles. The duplicate copy of the receipt shall be submitted by the transferee of the motor vehicle to the Board pursuant to the provisions of § 1394.8017 at the time he applies for a ration for the vehicle.

(4) Any motor vehicle dealer holding for sale or resale any motor vehicle which he acquired before January 1, 1944 and for which no currently valid ration has been issued (except a special ration pursuant to the provisions of § 1394.7851 (b) (3) (i)) shall obtain duplicate copies of a receipt on Form OPA R-569 for each such vehicle held by him, by making application to the Board having jurisdiction over the area in which his dealer's establishment is located. Each such dealer shall execute in duplicate an inventory and application on Form OPA R-578 for such re-

ceipts. He shall deliver the original of such inventory and application to such Board on or after January 1, 1944, but not later than January 11, 1944, and shall retain the duplicate copy thereof until December 31, 1944. After December 31, 1943, any motor vehicle dealer who acquires a motor vehicle shall obtain duplicate copies of a recent duly issued by a Board on Form OPA R-569 from the transferor of the vehicle at the time of transfer.

(5) Any person who scraps a motor vehicle on or after January 1, 1944 shall keep on hand for a period of twelve months at the place of business or other establishment where such vehicle was scrapped, duplicate copies of a receipt on Form OPA R-569 for every such vehicle, received by him on or after January 1, 1944.

[Paragraph (e) added by Amendment 85, effective 12-1-43]

§ 1394.8104 *Coupon books property of Office of Price Administration; summary revocations.* (a) All coupon books, bulk coupons, inventory coupons, other evidences and tire inspection records are, and when issued shall remain, the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupons, other evidences and tire inspection records during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

[Paragraph (a) as amended by Amendment 20, 8 F.R. 1523, effective 2-8-43]

(b) Upon certification by the Office of Defense Transportation, acting through a person designated by it for that purpose, that any person to whom a ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration acting through a Board, or through a District Director or through such officers or employees as the District Director may designate for that purpose, shall revoke such ration, or any part thereof, in accordance with such recommendation.

[Paragraph (b) as amended by Amendment 48, 8 F.R. 6178, effective 5-11-43]

(c) [Revoked]

[Paragraph (c) revoked by Amendment 48, 8 F.R. 6178, effective 5-11-43]

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

(e) Upon certification by the Office of Defense Transportation that a certificate of war necessity has been revoked or has been modified by decreasing the number of gallons of gasoline allowed, and that the holder of such certificate has a specified quantity of credits in a ration bank account, or unused Class T or bulk coupons issued for use with a motor vehicle or vehicles under such certificate, in excess of the amount necessary to provide the gallonage required under the modified certificate for the remainder of the quarter for which such ration was issued, the Office of Price Administration acting through a Board, or through a District Director or through such officers or employees as the District Director may designate for such purpose, shall, by summary order, revoke such excess ration credits or coupons, or any part thereof in accordance with such certification. Such order shall also require the ration holder to surrender to a specified Board or officer all revoked coupons and a certified ration check payable to the Office of Price Administration for all revoked credits in a ration bank account.

[Paragraph (e) added by Amendment 46, 8 F.R. 5756, effective 5-2-43 and amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(f) Any person required to surrender coupons, coupon books or other ration evidences by the terms of an order made pursuant to Ration Order No. 5C shall surrender them as required by the terms of such order. If the ration required to be surrendered has been deposited by the ration holder in a ration bank account maintained by him, he shall deliver to the issuing Board a certified ration check, payable to the Office of Price Administration, for the gallonage required to be surrendered. If the ration holder fails or refuses to deliver such check, the Board shall notify the district office of the Office of Price Administration having jurisdiction over the area served by such Board. The district office, upon receiving such notice, shall inform the depositor's bank of the decision and the bank shall make such charge or adjustment of the account of the depositor as is necessary to give effect to the order.

[Paragraph (f) added by Amendment 48, 8 F.R. 6178, effective 5-11-43 and amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

§ 1394.8105 *Revocation, suspension and denial of consumer's ration after hearing.* (a) (1) Whenever a person violates any provision of Ration Order No. 1A or Ration Order No. 5C, or whenever any other person using a motor vehicle on his behalf or at his direction or with his consent, violates any provision of Ration Order No. 1A or Ration Order No. 5C, the Board after hearing may, in its discretion, revoke and suspend his ration or rations, in whole or in part (and in such a case require the surrender to it of coupons, coupon books or other ration evidences) and deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in the

public interest. The Board may designate one or more of its members to perform the function described in this paragraph.

(2) Any order issued pursuant to subparagraph (1) of this paragraph shall be made pursuant to the following procedure:

(i) Notice of the date, time, place and purpose of the hearing and a specification of the violation charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that a violation of a provision of Ration Order No. 1A or Ration Order No. 5C described in such notice has been committed by the respondent, or by a person using a motor vehicle on his behalf or at his direction or with his consent, the Board may by order revoke, and suspend for a period which shall be stated therein, the rations issued to the respondent in whole or in part and direct him to surrender to it the coupons, coupon books or other ration evidence issued to him to the extent required to make such revocation effective, and the Board may by order deny the respondent a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time, not to exceed thirty days from the effective date of such order, good cause to the Board for such failure, the Board may set aside or stay such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address, and copies thereof shall be sent to the District Office which has jurisdiction over the area in which the Board is located.

(iv) The Board, in its discretion, shall fix the effective date of such order, except that if the Board fails to fix the effective date, such order shall, if personally served, become effective at the time of such service, and if served by mail, three days after the date of mailing.

[Paragraph (a) amended by Amendment 11, 8 F.R. 372, effective 1-7-43, Amendment 15, 8 F.R. 1202, effective 1-26-43 and Amendment 48, 8 F.R. 6178, effective 5-11-43. Section heading as amended by Amendment 48.]

(b) (1) The provisions applicable to requests for hearing and review, stay orders and appeals, pursuant to the provisions of paragraphs (b), (c) and (d) of this section in effect before May 11, 1943, which govern review, rights to appeal, and appeals pending from orders issued pursuant to this section before such date, and all provisions of such paragraphs before such date are continued in effect for those purposes.

(2) Any respondent against whom an order has been issued after May 10,

1943, pursuant to the provisions of paragraph (a) of this section may, within fifteen days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three days after receipt of the statement, the Board shall forward it together with a copy of the notice served to the District Office which has jurisdiction over the area in which the Board is located. Within three days after receipt of such statement from the Board, the District Director shall set a date for hearing on the charges and at least three days prior to the hearing shall notify the respondent personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by the District Director as Special Hearing Officer or by such officer or employee of the Office of Price Administration as may be designated by the District Director as Special Hearing Officer.

(3) The Special Hearing Officer may, for good cause shown upon application by the respondent, stay or suspend the operation of the order of the Board pending the hearing and determination of the appeal. The Special Hearing Officer shall administer oaths and affirmations and rule on the admission and exclusion of evidence. The hearing shall be conducted by the Special Hearing Officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing.

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The Special Hearing Officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses;

(iv) A stenographic report of all hearings shall be taken. The report need not be transcribed if such transcription is waived by the parties to the proceeding. If the report is transcribed, a copy shall be available for inspection during business hours at the office of the District Director.

(4) If, after such hearing, the Special Hearing Officer finds that the respondent, or a person using a motor vehicle on his behalf or at his direction or with his consent has violated any provision of Ration Order No. 1A or Ration Order No. 5C specified in the original notice of hearing given under paragraph (a) (2) (i) of this section, he shall issue an order affirming or modifying the order of the Board to provide for such revocation, suspension or denial as he shall deem appropriate. If the Special Hearing Officer finds that the violation charged in the original notice of hearing has not been committed by the respondent or by a person using a motor vehicle on his behalf or at his direction or with

his consent, he shall issue an order rescinding the order of the Board. Any order issued by the Special Hearing Officer upon determination of the appeal shall supersede the order of the Board from which the appeal was taken. A copy of the order of the Special Hearing Officer shall promptly be served upon the respondent and upon the Board.

[Paragraph (b) amended by Amendment 11, 8 F.R. 372, effective 1-7-43, Amendment 15, 8 F.R. 1202, effective 1-26-43, Amendment 28, 8 F.R. 2720, effective 3-2-43 and Amendment 48, 8 F.R. 6178, effective 5-11-43]

(c) (1) The functions of the Board described in paragraph (a) (1) of this section may also be exercised by Special Hearing Officers in accordance with the procedures and in the manner provided in paragraph (a) (2) of this section. All District Directors and all officers and employees of the Office of Price Administration designated by District Directors for such purpose may act as such Special Hearing Officers.

(2) Any person against whom an order has been issued by a Special Hearing Officer pursuant to the provisions of paragraph (c) of this section may, within fifteen days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Special Hearing Officer who issued it. Within three days after the receipt of the statement, the Special Hearing Officer shall forward it, together with a copy of the notice instituting such proceedings, and a copy of the order to the Hearing Commissioner having jurisdiction over the area in which the hearing was conducted. Within five days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Regional Attorney in the Region in which the hearing was conducted of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4 and amendments thereto.

[Paragraph (c) added by Amendment 48, 8 F.R. 6178, effective 5-11-43. Former paragraph (c) revoked by Amendment 28, 8 F.R. 2720, effective 3-2-43]

(d) [Revoked]

[Paragraph (d) revoked by Amendment 28, 8 F.R. 2720, effective 3-2-43]

(e) Whenever an order issued by a Board pursuant to the provisions of this section has been rescinded or modified, the Board shall, if any part of the ration has been surrendered, reissue all or part of such ration for the remaining portion of the period for which such ration was originally issued, or shall order the surrender of additional evidences, in accordance with the decision modifying such order.

§ 1394.8106 *Issuance of ration during period of revocation, cancellation, suspension or denial.* (a) A person who has been denied a ration for a specified period or whose ration has been revoked

or suspended by the order of a Board or a Special Hearing Officer or a Hearing Commissioner, may apply in writing to the District Director for the issuance of a ration in lieu thereof upon the ground that the issuance of such ration is necessary to the war effort or in the interest of health or safety or otherwise appropriate in the public interest. The District Director may deny such application or may grant such application, in whole or in part. In the event that the District Director shall grant such application, in whole or in part, he shall serve a copy of his order upon the Board having jurisdiction over the applicant. No appeal may be taken from an order issued by the District Director under this paragraph.

(b) Except as provided in paragraph (a) of this section, no person whose ration has been denied for a specified period or revoked, or suspended by order of a Board or a Special Hearing Officer or a Hearing Commissioner shall receive or accept any ration in lieu of the ration denied, suspended, or revoked for the period of such denial, revocation, or suspension and no other person shall receive or accept any ration for the use of such person.

[§ 1394.8106 amended by Amendment 48, 8 F.R. 6178, effective 5-11-43 and Amendment 79, 8 F.R. 14345, effective 10-25-43]

§ 1394.8107 [Revoked]

[§ 1394.8107 revoked by Amendment 28, 8 F.R. 2720, effective 3-2-43]

§ 1394.8108 *Presentation of registration cards and tire inspection records after revocation of ration or denial of rations for a specified period and notations thereon.* Whenever by an order issued pursuant to the provisions of Ration Order No. 5C a ration of a person is revoked or suspended in whole or in part or a person has been denied a ration for a specified period, or such an order has been modified or nullified, such person shall, within twenty-four hours after such order becomes effective, present the tire inspection record and the registration card or registration certificate and the fleet or single unit Certificate of War Necessity, if any, for any motor vehicle affected by any such order, to the Board or representative of the Office of Price Administration that is issued or modified such order. Thereupon such officer or the Board shall make a clear notation in ink, indelible pencil or by typewriter on the tire inspection record, and the registration card or registration certificate and the Certificate of War Necessity, if any, stating the effect of such order or any modification thereof.

[§ 1394.8108 amended by Amendment 20, 8 F.R. 1588, effective 2-8-43 and Amendment 48, 8 F.R. 6178, effective 5-11-43]

§ 1394.8109 [Revoked]

[§ 1394.8109 revoked by Amendment 23, 8 F.R. 2720, effective 3-2-43]

§ 1394.8110 *Redetermination of rations other than basic and transport rations in connection with applications for tires,*

tubes, or recapping service. When application is made by the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 of Ration Order No. 5C or § 1394.1309 of Ration Order No. 5A, for a recapping service or for a tire or tube, the Board shall reconsider the application on the basis of which such ration was issued to determine whether the applicant is entitled, pursuant to Ration Order No. 5C, to the ration held by him. If such application is not available at the Board the Board shall require the applicant to file a new application. If the Board finds the applicant to be entitled, under Ration Order No. 5C to a ration of a different class or different allowed mileage than the ration held by him it shall require the applicant to surrender such ration and shall issue a ration of the class and mileage to which the Board finds the applicant to be entitled.

§ 1394.8111 *Review and modification of rations by District Managers, State Directors and Regional Administrators in the gasoline shortage area.* (a) Any District Manager or State Director subject to the direction of the Regional Administrator, and any Regional Administrator, shall have power to review any supplemental, fleet or official ration or any ration under § 1394.7757 or § 1394.7758 issued after the date of this amendment or any renewal of any such ration or any further ration granted under § 1394.8052, or any application therefor, if such ration, renewal or further ration includes or represents a restoration of the reduction in mileage caused to any ration holder by change in unit value of coupons. Such review shall be made as the Regional Administrator may direct either before or after the issuance of any such ration, renewal or further ration. Pursuant to such review and in order to meet the deficiencies in supply, to conserve gasoline for the most essential uses, and to give full effect to the provisions in this order with reference to ride-sharing and alternative means of transportation, the District Manager or State Director, subject to the direction of the Regional Administrator, or the Regional Administrator may order, or direct the Board to order such ration to be withheld, modified, suspended or revoked in whole or in part.

(b) Such review and any order by such officer withholding, modifying or revoking such a ration and any appeal from such an order shall be made pursuant to the provisions of paragraph (b) of § 1394.8114.

[Paragraph (b) as amended by Amendment 23, 8 F.R. 2720, effective 3-2-43]

[§ 1394.8111 added by Amendment 13, 8 F.R. 565, effective 1-13-43]

§ 1394.8112 *Exchange of bulk coupons.* Every consumer who has in his possession or control any valid bulk coupons which were issued to him as a ration (except one gallon bulk coupons issued as a special ration for furlough travel on Form OPA R-554A) and which have an expiration date or an earliest renewal date after September 1, 1943, shall sur-

* 8 F.R. 1744, 2035, 6424.

render such coupons to the Board having jurisdiction to renew or reissue such ration. If such a ration is surrendered before its expiration date or earliest renewal date, the Board shall issue to the consumer in exchange for such coupons gasoline deposit certificate (if the consumer is eligible therefor) or valid coupons of any appropriate class having the same expiration date or earliest renewal date as the coupons surrendered and having a gallonage value to be determined as follows:

(1) In exchange for such bulk coupons which were issued as a transport ration for use with a vehicle for which a Certificate of War Necessity is required the Board shall issue Class T-1 or T-2 book coupons or gasoline deposit certificates (if the consumer is eligible therefor) equal in gallonage value to the coupons so surrendered.

(2) In exchange for such bulk coupons issued as a ration other than a ration described in the preceding subparagraph, the Board shall review the application on the basis of which such ration was issued, and issue coupons or gasoline deposit certificates (if the consumer is eligible therefor) having a gallonage value only sufficient to provide for the established mileage or gallonage needs of the consumer until the expiration date or earliest renewal date of the surrendered ration, but not in excess of the gallonage value of the coupons surrendered.

[Former § 1394.8112 added by Amendment 14, 8 F.R. 1028, effective 1-20-43 and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43. New § 1394.8112 added by Amendment 71]

§ 1394.8113 *Revocation, review, modification and redetermination of rations by Boards and District, State and Regional Officers in territory formerly within gasoline shortage area.* (a) In the event any territory within the gasoline shortage area is removed from such area, any Board in such territory, and any District Director or Regional Administrator having jurisdiction of such territory shall have power to revoke, cancel, review, modify or redetermine any supplemental, fleet or official ration, or any ration under §§ 1394.7757, 1394.7758, 1394.7851 or 1394.7852 issued or renewed while such territory was still within the gasoline shortage area. Such action shall be taken as the Regional Administrator may direct in order to redetermine the class of ration and amount of mileage or gallonage to which each such ration holder is entitled, and to adjust all such rations to conform with the provisions of Ration Order No. 5C relative to allowance of mileage and gallonage, and the unit value of coupons outside of the gasoline shortage area.

[Paragraph (a) as amended by Amendment 70, 8 F.R. 14345, effective 10-25-43]

(b) Upon such review, the Board, or the District Director or Regional Administrator shall receive and consider any evidence presented by the holder of the ration and may require him to appear for examination and to produce

such witnesses or evidence as the Board or such officer may deem material. Upon redetermination, the Board or such officer may require that any coupons or coupon books be surrendered, and shall issue a ration of the class or quantity to which the holder is entitled. Within forty-eight (48) hours of receiving notice requiring the surrender of any coupons or coupon books pursuant to this section, the person holding the coupons or coupon books shall surrender them to the Board or officer from whom he received such notice. Any person may appeal from an adverse decision under this section, pursuant to Procedural Regulation No. 9.

[Paragraph (b) amended by Amendment 21, 8 F.R. 1895, effective 2-10-43 and Amendment 79]

[§ 1394.8113 added by Amendment 17, 8 F.R. 1365, effective 2-1-43]

§ 1394.8114 *Authority of Regional Administrators, District Directors and persons designated by either of them to cancel and require the surrender of coupons, coupon books, gasoline deposit certificates and ration credits.* (a) The several Regional Administrators and District Directors of the Office of Price Administration are authorized to determine upon review of the action of any Board within their respective regions or districts, whether any ration holder was entitled under the provisions of Ration Order No. 5C to receive the ration issued to him or whether any dealer or intermediate distributor was entitled under the provisions of Ration Order No. 5C to receive any inventory coupon or gasoline deposit certificate issued to him, or credits in a ration bank account arising from the deposit of such coupon or certificate. The authority vested in Regional Administrators and District Directors in this paragraph may be exercised by any person designated by the Regional Administrator or District Director to act in his name for such purpose.

(b) In any case where a Regional Administrator or a District Director or a person designated by him is authorized by any provision of Ration Order No. 5C to review or redetermine the right of any ration holder to receive any ration, or the right of any dealer or intermediate distributor to receive any inventory coupon or gasoline deposit certificate, such officer, before requiring the surrender of any such documents or credits shall notify the holder that his right to retain such documents or credits is under review and shall allow a reasonable time in which the holder may present evidence in support of his right to receive or retain such ration, coupon, certificate or credits under the provisions of Ration Order No. 5C. Such officer shall receive and consider any evidence presented by the holder, and may require him to appear for examination and to produce such witnesses or evidence as he may deem material. If the original applica-

tion or certification and the other evidence presented fails to establish that the ration holder, dealer, or distributor was entitled under the provisions of Ration Order No. 5C to receive the ration books, coupons, or gasoline deposit certificates issued to him the Regional Administrator, District Director, or other designated person may order the surrender of any such books, coupons, or gasoline deposit certificates, or a ration check drawn upon credits arising from the deposit of such coupons or certificates. Any person required to surrender ration books, coupons, gasoline deposit certificates or ration credits by the terms of an order issued pursuant to this section shall surrender them as required by the terms of such order. Ration credits shall be surrendered by the issuance and delivery of a ration check payable to the Office of Price Administration. Any person may appeal from an adverse decision under such review or redetermination pursuant to Procedural Regulation No. 9.

[§ 1394.8114 added by Amendment 28, 8 F.R. 2720, effective 3-2-43 and amended by Amendment 81, 8 F.R. 14815, effective 11-3-43]

§ 1394.8115 *Effect of revocation of § 1394.8109 and saving provisions.* (a) No proceedings instituted pursuant to the provisions of paragraphs (a) and (b) of § 1394.8109 in which no order has been made before March 1, 1943, shall be abated by the revocation of such section. Unless the Hearing Administrator directs that such proceedings shall continue to be governed by the former provisions of paragraphs (a) and (b) of § 1394.8109, such proceedings, if based upon a charge that any provision of Ration Order No. 5A or 5C has been violated, shall be transferred to the Hearing Commissioner of the Office of Price Administration having jurisdiction over the area in which such proceedings were instituted, and all further proceedings therein shall be governed by the provisions of Procedural Regulation No. 4. Such proceedings, if based upon a charge that a ration holder was not entitled to receive the ration issued, shall be governed by the provisions of § 1394.8114.

(b) No orders issued pursuant to the provisions of § 1394.8109 before March 1, 1943, and no rights to appeal and no appeals from such orders shall be abated by the revocation of such section. The procedure which was formerly applicable shall govern appeals from such orders and the provisions establishing such procedure are continued in effect for this purpose.

[§ 1394.8115 added by Amendment 28, 8 F.R. 2720, effective 3-2-43]

§ 1394.8116 *Surrender of Class B and C rations issued as part of Forms OPA R-527 R-527A, R-528 or R-528A.* Every ration holder who has in his possession or control any Class B or C books which were issued to him as a ration on Form OPA R-527, Form OPA R-527A, Form OPA R-528 or Form OPA R-528A and which have an earliest renewal date or expiration date after September 1, 1943

* 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 8381.

shall surrender such books and coupons to the Board having jurisdiction to re-issue or renew such ration. If such a ration is surrendered before its earliest renewal date or expiration date, the Board upon accepting the surrender of the ration book shall issue to the ration holder a new ration book of the same class containing the same number of coupons as are contained in the surrendered book and bearing the same earliest renewal or expiration date as the surrendered ration book.

[§ 1394.8116 added by Amendment 71, 8 F.R. 11429, effective 8-16-43]

GENERAL PROVISIONS WITH RESPECT TO TRANSFERS AND USE

RESTRICTIONS ON TRANSFERS

§ 1394.8151 *Restriction on transfer to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or distributor, except as provided in §§ 1394.8157, 1394.8158, and 1394.8210.

§ 1394.8152 *Transfers to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.8153 (c) 1394.8154, 1394.8155, and 1394.8156.

[§ 1394.8152 amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 5, 7 F.R. 10706, effective 12-18-42, Amendment 6, 7 F.R. 10787, effective 12-21-42, and Amendment 50, 8 F.R. 6846, effective 6-15-43]

§ 1394.8153 *Transfers to consumers in exchange for coupons, ration checks and gasoline purchase permits—(a) Coupons in books issued for registered and commercial motor vehicles.* Transfer may be made and accepted in exchange for coupons contained in Class A, B, C, D, T-1, or T-2 books, only under the following conditions:

[Section heading amended by Amendment 50, 8 F.R. 6846, effective 6-15-43 and Amendment 73, 8 F.R. 13124, effective 9-29-43]

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if a sticker corresponding to the class of book presented is conspicuously displayed on such vehicle, as required by the provisions of § 1394.8165, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B, or C sticker is displayed: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further* That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only on and after the validity date noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made. Transfer, in the case of a Class T-1 or Class T-2 book, may be made only during the valid period noted on the cover of the book presented, except that from July 1, 1943 to July 25, 1943, inclusive, transfer may be made in the Restricted Area in exchange for a Class T coupon issued in that area for use during the second calendar quarter of 1943. Transfers in the case of special rations and rations issued for leased vehicles pursuant to § 1394.7758 may be made only during the valid period noted on the cover of the book presented.

[Paragraph (3) amended by Amendment 54, 8 F.R. 8009, effective 6-14-43 and Amendment 67, 8 F.R. 10082, effective 7-24-43]

(4) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d).

(5) No transfer may be made before July 1, 1943 in exchange for coupons contained in Class T-1 or Class T-2 books issued on Form OPA R-532B or Form OPA R-533B (coupons which bear the printed double letters "TT" on the face of each coupon). On and after July 1, 1943 transfer may be made throughout the continental United States in exchange for such coupons printed on such forms which bear the printed double letters "TT". No transfer in exchange for coupons contained in Class T-1 or Class T-2 books may be made outside the restricted area on or after July 1, 1943, nor inside the Restricted Area on or after July 26, 1943, unless such coupons are issued on Form OPA R-532B or Form OPA R-533B and bear the printed double letters "TT" on the face of each coupon.

[Paragraph (5) added by Amendment 54, 8 F.R. 8009, effective 6-14-43]

(6) Notwithstanding any other provisions contained in this section, no transfer may be made on or after September 1, 1943, in exchange for Class B or C coupons issued on Form OPA R-527,

Form OPA R-527A, Form OPA R-528 or Form OPA R-528A.

[Paragraph (6) added by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d)

(c) *Bulk coupons and ration checks.* Bulk coupons may not be used to obtain a transfer of gasoline into the fuel tank of a motor vehicle except as provided in paragraph (d) of this section. Bulk transfers may be made in exchange for bulk coupons or in exchange for ration checks, as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons, or ration checks issued or endorsed to him by the transferee and having a value in gallons equal to the number of gallons of gasoline transferred, except:

(i) When any delivery of gasoline is made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, coupons or a ration check need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within seven (7) days after delivery.

(ii) When any delivery of gasoline is made to a consumer from any terminal or storage facility which has been listed upon a schedule issued in accordance with § 1510.34 of Petroleum Directive 59^a the transferee may forward to the transferor within fifteen (15) days after receipt of such delivery an amount of coupons or other evidences equal in gallonage value to the amount of gasoline so delivered, or, when transfer is made on a temperature adjustment basis, equal in

[Paragraph (c) and (c) (1) amended by Amendment 24, 8 F.R. 2353, effective 3-1-43, Amendment 27, 8 F.R. 2780, effective 3-10-43, Amendment 47, 8 F.R. 6261, effective 5-14-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

^a 7 F.R. 7769.

gallorage value to the adjusted quantity of gasoline so delivered.

(2) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e)

(3) On and after January 22, 1943, transfer may be made only in exchange for bulk coupons which bear the word "Gasoline" imprinted thereon and which are issued on Form OPA R-553A or Form OPA R-554A. No dealer may transfer gasoline in exchange for 100-gallon bulk coupons, and no dealer shall have any such coupons in his possession (except coupons issued to him by a Board as a ration) unless such dealer regularly engages in bulk sales of gasoline in units of one hundred (100) or more gallons.

[Paragraph (3) added by Amendment-14, 8 F.R. 1028, effective 1-20-43]

(4) [Revoked]

[Paragraph (4) added by Amendment 19, 8 F.R. 1318, effective 1-28-43 and revoked by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(5) On and after September 1, 1943, no transfer may be made in exchange for any 100-gallon bulk coupon.

[Paragraph (5) added by Amendment 71]

(d) *Bulk coupons for furlough travel.* Transfer into the fuel tank of a passenger automobile or motorcycle may be made and accepted in exchange for one gallon bulk coupons only if such coupons are attached to a validation stamp (Form OPA R-123) on which is written the license number and state of registration of the vehicle into which the transfer is made. The amount of gasoline so transferred shall not exceed the total unit value of such coupons.

[Paragraph (d) added by Amendment 47, 8 F.R. 6261, effective 5-14-43]

(e) *Gasoline purchase permits.* Transfer may be made and accepted in exchange for a duly issued gasoline purchase permit (Form OPA R-571) of an amount of gasoline which shall not exceed the amount stated in such permit. However, if a motor vehicle is described on the face of such permit transfer may be made only into the fuel tank of such motor vehicle.

[Paragraph (e) added by Amendment 73, 8 F.R. 13124, effective 9-29-43]

§ 1394.8154 *Transfers in exchange for acknowledgments of delivery.* (a) Transfer may be made in exchange for an acknowledgment of delivery on Form OPA R-544 Revised, or in exchange for an emergency acknowledgment issued in lieu thereof, in accordance with the provisions of § 1394.7952.

(b) [Revoked]

[Paragraph (b) revoked by Amendment 84, effective 11-18-43 and former (c) redesignated (b)]

(b) On and after May 16, 1943 an acknowledgment of delivery on Form OPA R-544 shall be invalid for any purpose.

[§ 1394.8154 amended by Amendment 31, 8 F.R. 3253, effective 3-20-43]

§ 1394.8155 *Transfers for export.* (a) Any person (other than a licensed dis-

tributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an export certificate on Form OPA R-560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer to such government or agency for the purpose of export, or for re-transfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provisions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline from within the limitation area; or who has exported gasoline from outside the limitation area on or after December 1, 1942, to an insular or territorial possession of the United States or to a foreign country, who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 submitting therewith a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain a copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline

thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

[Paragraph (c) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws of the United States and the rules and regulations of the Office of Economic Warfare or of any other department or agency of the United States.

[Paragraph (e) as amended by Amendment 79, 8 F.R. 14345, effective 10-25-43]

§ 1394.8156 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable property, may obtain such gasoline by signing an emergency receipt on Form OPA R-555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an emergency receipt, shall transmit such emergency receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons, if he is a dealer, or a gasoline deposit certificate, if he is a distributor, equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt. If the Board is not satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, it shall not issue to him any inventory coupons or a gasoline deposit certificate therefor. In such case, the Board shall return one copy of the emergency receipt to the dealer or distributor, and shall transmit the second copy of such receipt to the District Director for appropriate action.

[Paragraph (c) amended by Amendment 50, 8 F.R. 6846, effective 6-15-43 and Amendment 79, 8 F.R. 14345, effective 10-25-43]

(d) [Revoked]

[Paragraph (d) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42 and revoked by Amendment 79]

§ 1394.8157 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment. The transferee of such vehicle, boat or equipment may use any gasoline actually in the fuel supply tank thereof at the time of transfer except as provided in § 1394.8183.

[§ 1394.8157 as amended by Amendment 74, 8 F.R. 13251, effective 10-1-43]

§ 1394.8158 *Transfer of consumer establishments; transfer by operation of law.* (a) Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued or, in the case of a special ration, for a purpose for which such ration was issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

§ 1394.8159 *Rights of parties to contracts for transfer of gasoline.* If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order No. 5A or 5C, no party thereto shall be liable for failure to perform such contract or agreement: *Provided*, That any person who has received or has had the benefit of any deposit or other consideration on account of such contract, shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the considera-

tion has been materially altered in condition or cannot be returned.

§ 1394.8160 *Signature on coupon book.* No coupon book may be used until the person to whom such book is issued has signed the certification provided for therein.

PROHIBITED ACTS

§ 1394.8161 *General restrictions on use.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, official, fleet, or non-highway ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be obtained pursuant to the Ration Order under which it was issued.

[Paragraph (a) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(b) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used other than for a purpose permitted by, or to an extent greater than that permitted by, the Certificate of War Necessity issued for such vehicle.

(c) No ration issued to the lessor of a vehicle available for public rental for use with such vehicle may be used by a lessee of such vehicle during the term of a lease of more than thirty consecutive days.

[Paragraph (c) added by Amendment 4, 7 F.R. 10338, effective 12-15-42 and amended by Amendment 74, 8 F.R. 13251, effective 10-1-43]

(d) [Revoked]

[Paragraph (d) added by Amendment 11, 8 F.R. 372, effective 1-7-43, and amended by Amendment 15, 8 F.R. 1282, effective 1-26-43, and revoked by Amendment 37, 8 F.R. 3616, effective 3-22-43]

(e) [Revoked]

[Paragraph (e) added by Amendment 15 and revoked by Amendment 37]

(f) Where the Office of Price Administration, Washington, D. C., finds that a critical gasoline shortage exists in any area it may order that in such area during an indefinite or definite period fixed by such order a basic ration, or a non-highway ration issued for use with a motor boat or outboard motor, may be used only as provided in subparagraphs (1) and (2) of this paragraph.

(1) No person may use or permit the use of a basic ration for any driving other than: (i) family or personal necessity driving for which no adequate alternative means of transportation are available, or, (ii) occupational driving, or, (iii) driving by naval or military personnel on leave or furlough, evidenced by duly issued leave or furlough authorization, for the purpose of visiting relatives or making social calls. Family or personal necessity driving shall be deemed to include (but shall not be limited to) driving for the purpose of essential

shopping, procuring medical attention, attending religious services, attending funerals; or for the purpose of attending meetings of groups or organizations directly concerned with the occupation or profession of the person using the vehicle, if such attendance is essential to or a part of the occupation or profession of such person; or driving for the purpose of meeting an emergency involving a threat to life, health, or property, or for receiving instruction or training in meeting or preparing to meet such emergencies. No basic ration may be used for non-essential or for pleasure driving, which shall include (but shall not be limited to) driving for the purpose of attending places of amusement, recreation or entertainment (such as theaters, amusement parks, concerts, dances, golf courses, skating rinks, bowling alleys or night clubs) or sporting or athletic events (such as races or games) or social club meetings, or for sight-seeing, touring or vacation travel except as provided in subparagraph (3) of this section, or for making social calls, except that naval or military personnel on leave or furlough evidenced as specified above may use such a ration for the purpose of visiting relatives or making social calls.

[Paragraph (1) as amended by Amendment 65, 8 F.R. 9531, effective 7-15-43]

(2) No person may use or permit the use of a non-highway ration issued for use with a motorboat or outboard motor for a non-occupational purpose for the operation of any boat other than for (i) family or personal necessity purposes for which no adequate alternative means of transportation are available, or (ii) travel by naval or military personnel on leave or furlough, evidenced by duly issued leave or furlough authorization, for the purpose of visiting relatives or making social calls. Family or personal necessity purposes shall include (but shall not be limited to) the purposes for which driving is permitted by subdivision (1) of this paragraph and procuring and transporting essential food and supplies. No such ration may be used for non-essential or pleasure travel which shall include (but shall not be limited to) the purposes for which driving is prohibited by subparagraph (1) of this paragraph and pleasure cruising, guiding pleasure parties, conducting or chartering boats for fishing parties, and fishing other than commercial fishing or to procure necessary food: *Provided*, That if a boat is not otherwise operated, nothing in this paragraph shall restrict the use of such a ration to operate a boat in accordance with any requirements of the United States Coast Guard, the Coast Guard Auxiliary, or the United States Navy.

[Paragraph (2) added by Amendment 51, 8 F.R. 6688, effective 5-20-43]

(3) [Revoked]

[Paragraph (3) added by Amendment 65, 8 F.R. 9531, effective 7-15-43, amended by Amendment 69, 8 F.R. 10365, effective 7-23-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

§ 1394.8162 [Revoked]

[§ 1394.8162 amended by Amendment 6, 7 F.R. 10787, effective 12-21-42 and revoked by Amendment 48, 8 F.R. 6178, effective 5-11-43]

§ 1394.8163 *Restriction on use of rations or gasoline for racing or exhibition purposes.* No ration shall be issued or used, and no gasoline shall be used, or knowingly transferred for use, for the operation of any boat or of any motor vehicle in exhibitions or races for public entertainment or prizes.

[§ 1394.8163 as amended by Amendment 84, effective 11-18-43]

§ 1394.8164 *Restriction on use of rations or gasoline for sightseeing purposes.* No supplemental, official or fleet ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758; shall be issued or used, and no gasoline procured in exchange for such a ration shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

[§ 1394.8164 as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

§ 1394.8165 *Display of stickers.* No person may use a Class A, B, C, T-1 or T-2 book coupon, bulk coupon or a ration check drawn upon ration credits which represent such classes of rations issued for use with a registered or commercial motor vehicle (other than a coupon or check representing a special ration or Class B coupons issued as a basic ration) unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration. No person shall retain or display such a sticker upon a motor vehicle unless a ration of the class corresponding to such sticker has been issued for use in such vehicle and is still unexpired and unrevoked.

[§ 1394.8165 amended by Amendment 24, 8 F.R. 2353, effective 3-1-43, Amendment 48, 8 F.R. 6178, effective 5-11-43, Amendment 68, 8 F.R. 10364, effective 7-22-43, and Amendment 69, 8 F.R. 10365, effective 7-23-43]

§ 1394.8166 *Restrictions on blending of gasoline.* No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

§ 1394.8167 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.8157, no person shall con-

sume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other valid evidences authorizing a transfer to a consumer: *Provided, That:*

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area and in the states set forth in § 1394.7904) gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942.

(2) Any consumer may use gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942, for the operation of a registered or commercial motor vehicle, or for non-occupational boat operation in the limitation area and in the states set forth in § 1394.7904 (b) if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided, That,* gasoline placed in the fuel supply tank of such vehicle or boat within the limitation area prior to August 22, 1942, or without the limitation area prior to December 1, 1942, may be used thereon without restriction.

[Paragraphs (1) and (2) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy Marine Corps, Coast Guard, Maritime Commission, or the War Shipping Administration of the United States, or to the consumption by anyone of gasoline brought into the continental limits of the United States in the fuel supply tank of a vehicle, boat or equipment.

[Paragraph (b) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

§ 1394.8168 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered or commercial motor vehicle, or of any inboard motorboat or outboard motor operated for nonoccupational purposes.

[§ 1394.8168 as amended by Amendment 84, effective 11-18-43]

§ 1394.8169 *Discrimination by dealers and distributors.* (a) On and after December 1, 1942, no distributor shall discriminate in the transfer of gasoline among distributors or dealers lawfully entitled to acquire gasoline under Ration Order No. 5C. Any refusal on the part of a distributor to transfer gasoline to a distributor or dealer to whom he has made a transfer on or subsequent to May 15, 1942, shall be prima facie evidence of a discrimination: *Provided, That* nothing herein shall be construed to require a transfer of gasoline which would result

in a violation of any statute enacted or contract made to protect a trade-mark or trade name; nor a transfer to any dealer or distributor of an amount of gasoline in excess of that permitted by any regulation or order of any department or agency of the United States.

(b) On and after December 1, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5C.

[Paragraphs (a) and (b) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(c) Nothing herein shall be construed to require a transfer of gasoline in violation of any authorization or direction issued for, or any condition imposed upon the withdrawal or delivery of gasoline by the Petroleum Administrator for War.

[Paragraph (c) added by Amendment 0, 7 F.R. 10787, effective 12-21-42]

(d) Notwithstanding any other provision of this section, a district director may, upon authorization by the Deputy Administrator in Charge of Rationing, require stations or facilities of any dealers or distributors within his jurisdiction to make transfers of gasoline to consumers in such order of priority and under such limitations and conditions as the district director may find necessary to insure that adequate supplies of gasoline will be available for services and requirements essential to the public welfare or the war effort.

[Paragraph (d) added by Amendment 53, 8 F.R. 7455, effective 6-2-43]

§ 1394.8170 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

§ 1394.8171 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty-five (35) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety, or to the operation of a motor vehicle under circumstances where a speed in excess of thirty-five miles per hour is permitted under any order of the Office of Defense Transportation.

[Paragraph (b) as amended by Amendment 48, 8 F.R. 6178, effective 5-11-43]

§ 1394.8172 *Tire Certification, inspection and surrender of excess tires.* After December 12, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a basic, supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 or § 1394.7758 of Ration Order No. 5C, has been issued, unless a certification of pas-

senger-type tires has been filed under §§ 1394.7653 (e) 1394.7705 (d) 1394.7753, 1394.7755 (d) 1394.7757 (b) 1394.7758 (d) or 1394.8009 of Ration Order No. 5C, nor unless a tire inspection record has been issued and is currently maintained as required by the Office of Price Administration; nor may gasoline be used on and after December 12, 1942, in any such motor vehicle, other than an official vehicle, if the registered owner or lessee (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. On and after December 12, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a basic or supplemental ration has been issued, if any person living in the household of the registered owner of such vehicle and related to such owner by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

[§ 1394.8172 as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

§ 1394.8173 *Use in violation of other ration orders.* No person shall use gasoline for the operation of any motor vehicle in violation of Ration Order No. 2A or any other automobile rationing regulations or which results in the use of tires in violation of Ration Order No. 1A.

[§ 1394.8173 as amended by Amendment 24, 8 F.R. 2353, effective 3-1-43]

§ 1394.8174 *Tires unlawfully acquired.* No person shall use gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1A.

§ 1394.8175 *Abuse or neglect of tires.* No person shall use gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

§ 1394.8176 *Offers, solicitations, attempts, or agreements.* No person shall solicit, offer, attempt, or agree to do any act in violation of Ration Order No. 5C.

§ 1394.8177 *Rations not transferable.* (a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign and no person shall accept a transfer or assignment of any coupon book or any bulk, inventory or other coupon (whether or not such book was issued as

a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except in accordance with the provisions of Ration Order No. 5C.

(c) No person shall have in his possession any coupon book or bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except the person, or the agent of the person, to whom such book, coupon, or certificate was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 5C.

(d) Notwithstanding the remaining provisions of the section, but subject to the provisions of paragraph (c) of § 1394.8161, a ration, other than a special ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained, and so long as there is no change in ownership of such vehicle, boat of equipment.

[Paragraph (d) as amended by Amendment 4, 7 F.R. 10338, effective 12-15-42]

(e) The provisions of paragraphs (a) (b) and (c) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8178 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) No person other than a person authorized pursuant to Ration Order No. 5C shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or other evidence.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.8153, shall render such coupon invalid.

(e) The provisions of paragraphs (a) (c) and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8179 [Revoked.]

[§ 1394.8179 revoked by Amendment 48, 8 F.R. 6178, effective 5-11-43]

§ 1394.8180 *Applicability of order to rations issued under Ration Order No. 5A.* All rations issued pursuant to Ration Order No. 5A, which remain in effect beyond November 30, 1942, shall be

subject to the same restrictions, prohibitions, and conditions of use as though they were issued pursuant to Ration Order No. 5C.

[§ 1394.8180 as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

§ 1394.8181 *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 5C, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading. No person in applying for a transport ration shall present to a Board a certificate of war necessity which has been issued to him or on his behalf pursuant to an application containing any untrue statement of fact or omitting any statement of fact required to be stated therein, or necessary to make a statement therein not misleading, nor shall any person receive or use a transport ration issued on the basis of any such certificate. Any Board discovering such an untrue statement of fact, or any such omission to state any such fact shall report it and transmit the evidence thereof, to the District Director for appropriate action, whether or not such Board has proceeded with respect thereto under the provisions of § 1394.8105.

[§ 1394.8181 as amended by Amendment 48, 8 F.R. 6178, effective 5-11-43]

§ 1394.8182 *Misuse of certificates of war necessity.* No person shall use or attempt to use a certificate of war necessity to obtain the issuance of rations which would provide gallonage for use with any vehicle or fleet in excess of the maximum gallonage allowed by the Office of Defense Transportation, as stated upon the currently valid single unit or fleet certificate issued for such vehicle or fleet.

[§ 1394.8182 added by Amendment 25, 8 F.R. 2431, effective 3-2-43]

§ 1394.8183 *Limitation on distance of drive-away delivery of vehicle.* (a) No person shall use gasoline to move any motor vehicle a distance of more than two hundred miles on its own wheels for any of the following purposes:

(1) Delivery after sale, lease or gift, or upon inheritance, to or for the person entitled to the possession of the vehicle, or to his premises or a place of storage;

(2) Movement to a place of storage or to the premises of the person entitled to the possession of the vehicle or boat upon an acquisition of the right to possession of such vehicle by virtue of a lien or security contract.

[Paragraphs (1) and (2) as amended by Amendment 84, effective 11-18-43]

(b) This section shall not prohibit: (1) Any movement of a vehicle for the distance which can be traveled through the use of a transport ration or basic ration duly issued for use with such vehicle;

(2) Any movement of a commercial motor vehicle as to which the Office of Defense Transportation has certified

that alternative means of transportation by rail or water carrier are unavailable or inadequate;

(3) Any movement of a vehicle in the course of its manufacture or assembly, between plants engaged in its manufacture or assembly.

[§ 1394.8183 added by Amendment 74, 8 F.R. 13251, effective 10-1-43]

REFPLENISHMENT AND AUDIT

REGISTRATION OF PLACE OF BUSINESS

§ 1394.8201 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., December 1, 1942, and shall, on December 1 or 2, 1942, register (on Form OPA R-545) with the Board, having jurisdiction of the area in which such a place of business is located, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total gasoline storage capacity.

(3) His total inventory of gasoline on hand as of 12:01 a. m., December 1, 1942.

(4) A certification as to the truth of each of the foregoing items of information.

[Paragraph (a) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

(c) Each place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, or at which gasoline is received from a licensed distributor on consignment for purposes of sale, which, under the terms of § 1394.7551 (a) (56) is deemed to be a part of the facilities of a licensed distributor, shall be registered (on Form OPA R-545) by such licensed distributor or consignee on December 1 and 2, 1942, with the Board having jurisdiction over the area in which such place of business is located: *Provided*, That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor or by a consignee, and a certification as to the truth of this information.

[Paragraph (c) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 24, 8 F.R. 2353, effective 3-1-43 and Amendment 56, 8 F.R. 9021, effective 7-1-43]

(d) Notwithstanding the provisions of paragraphs (a) (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as pro-

vided in §§ 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided*, That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of § 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall re-register such facilities, on December 1 or 2, 1942, as licensed distributor facilities, and issue to the Board a check equal in gallonage value to the coupons originally issued to represent his unfilled gasoline storage capacity.

[Paragraph (d) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42 and Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8202 *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to 12:01 a. m., December 1, 1942. Gasoline shipped to a dealer or intermediate distributor prior to December 1, 1942, but received by him at any time after November 30, 1942, shall be deemed to be gasoline transferred to him subsequent to November 30, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.8207 and 1394.8209.

[§ 1394.8202 as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

§ 1394.8203 *What constitutes gasoline storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers: *Provided, however* That a dealer or intermediate distributor who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

§ 1394.8204 *Issuance of registration certificates.* The Board, on determining that the information submitted by the registrant is correct, and that the registrant is in fact engaged in business as a dealer or distributor, shall by authorized signature approve the certificate, file Part B thereof, and return Part A of the certificate to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies, and shall present it as an identification at the time of transacting business with any Board.

§ 1394.8205 *Issuance of inventory coupons.* (a) The Board shall, at the time of its approval of the registration certificate of a dealer or intermediate distributor, issue to the registrant inventory coupons or, if the registrant is an intermediate distributor, a gasoline de-

posit certificate in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one-hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer for an equivalent amount of one-gallon inventory coupons.

[Paragraph (a) amended by Amendment 18, 8 F.R. 1282, effective 1-27-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

(b) In any case in which the total inventory of gasoline on hand exceeds the total gasoline storage capacity of the registrant's place of business, the Board shall require the registrant to surrender for cancellation, and the registrant shall so surrender, at the earliest possible moment thereafter, consumer coupons or other evidences equal in gallonage value to the amount of gasoline by which his inventory of gasoline on hand as of 12:01 a. m., December 1, 1942, exceeds his total gasoline storage capacity.

[Paragraph (b) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

§ 1394.8206 *Restriction on use of inventory coupons.* (a) Every dealer shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange: *Provided, however* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the nearest composable sum of the values of consumer coupons or other evidences.

[Paragraph (a) as amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

(b) Every dealer and intermediate distributor shall write or stamp clearly and in ink, on the face of each inventory coupon issued to him the name and address of his establishment as shown on his certificate of registration, except that if no space for the notation is provided on the face of the coupon the notation shall be made on the reverse side. This information shall be endorsed not later than July 22, 1943, upon each inventory coupon which has been issued before that date, and shall be endorsed upon each inventory coupon issued on or after that date immediately after receipt by the person to whom it was issued.

[Paragraph (b) amended by Amendment 18, 8 F.R. 1282, effective 1-27-43 and Amendment 61, 8 F.R. 9304, effective 7-12-43]

RATION BANKING

§ 1394.8206a *Who opens an account.* (a) Every licensed distributor, who handles gasoline in such a manner as to be required by § 1394.8218 (a) to remit a ration check with his state tax report, shall, on and after January 27, 1943, open at least one account, in the manner provided by General Ration Order No. 3A, in

each state to which he is required to account for motor fuel taxes, for all his places of business and operations in that state. If a licensed distributor has more than one place of business in any one state, he may open a separate account for each place of business or any group of places in the state. A licensed distributor who is required to account for motor fuel taxes to more than one state and who claims that having a ration bank account in any state to which he is required to account would work great and undue hardship on him may apply to the Gasoline Rationing Branch, Office of Price Administration, Washington, D. C., for permission to do business in such a state without having an account there and to account to such state by issuing a check drawn on an account in a bank which is in another state. The application shall be in writing, in duplicate, and shall show the applicant's name, business name and address, the nature of his operations within such state, the name and address of the bank carrying the account on which he will draw a check when making his monthly report to such state, and the reasons why having an account in such state would work great and undue hardship on him. If the Office of Price Administration is satisfied that his having an account in that state would work great and undue hardship on him it may grant him permission to do business as a licensed distributor in that state without having an account there, and to account to such a state by issuing a check drawn on an account in a bank which is in another state. The Gasoline Rationing Branch will retain the original of the application and will send the duplicate to the state tax administration in the state in which the applicant is permitted to do business without an account. In addition, a licensed distributor may open an account in connection with the operation of any accounting office maintained by him.

[Paragraph (a) amended by Amendment 36, 8 F.R. 3315, effective 3-22-43 and Amendment 50, 8 F.R. 6846, effective 6-15-43]

(b) Every intermediate distributor shall, on and after January 27, 1943, open a separate account for each place of business as to which he is registered as an intermediate distributor.

(c) Notwithstanding any other provision of Ration Order No. 5C, a facility of the armed forces, such as a Military or Naval Post or Station, a Post Exchange or a Ship's Service Store, which operated in the same manner as a licensed distributor, may, but is not required to, open an account. Such a facility electing to open an account shall make deposits and be subject to the same provisions with respect to ration banking as a licensed distributor.

[Paragraph (c) corrected, 8 F.R. 1813]

(d) A place of business of a distributor shall be deemed to be an establishment for the purposes of General Ration Order No. 3A.

(e) Every bulk consumer to whom a Board has issued one or more gasoline

deposit certificates in the manner provided in § 1394.8006 shall open at least one account, in the manner provided in General Ration Order No. 3A, and may open a separate account for each of his establishments or for any group of establishments to which bulk deliveries of gasoline are made. However, no additional account may be opened for an establishment for which a distributor's account is maintained.

(f) No more than one gasoline account may be opened for any one place of business unless authorized by the Office of Price Administration, Washington, D. C. Accounts for activities not connected with any specific establishment may also be opened, if authorized by the Office of Price Administration, Washington, D. C.

[Paragraphs (e) and (f) added by Amendment 50, 8 F.R. 6846, effective 6-15-43]
[§ 1394.8206a added by Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8206b *Deposits.* (a) Every distributor shall deposit in his account all gasoline coupons or other evidences (including checks) received by him, except as provided in paragraph (c) hereof: *Provided*, That a distributor shall not deposit:

[Paragraph (a) as amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

(1) Any Class S coupon;

(2) Any Class A coupon before it has become valid or more than twenty (20) days after the date of expiration of such coupon, except that Class A book coupons numbered "3" may be deposited on or before March 20, 1943.

[Paragraph (2) amended by Amendment 26, 8 F.R. 2595, effective 3-5-43 and Amendment 57, 8 F.R. 9022, effective 6-23-43]

(3) Any bulk coupon printed on Forms OPA R-553 or Forms OPA R-554 (that is, a bulk coupon not bearing the printed word "gasoline" on its face) after February 5, 1943.

(4) Any coupon not bearing the notations required by paragraphs (d) and (e) of § 1394.8004, paragraph (c) of § 1394.8006 and paragraph (b) of § 1394.8206.

(5) Any coupons or other evidences (including checks) in an account maintained outside of the state in which such coupons or other evidences were received, unless

(i) Permission has been granted pursuant to the provisions of § 1394.8206a, (a) to do business in such state without maintaining an account there, or

(ii) The item for deposit is a check issued pursuant to the provisions of § 1394.8206c (d)

[Paragraph (5) added by Amendment 36, 8 F.R. 3315, effective 3-22-43]

(6) Any emergency receipt (Form OPA R-555).

[Paragraph (6) added by Amendment 56, 8 F.R. 9021, effective 7-1-43]

(7) After July 20, 1943, any Class T coupon printed on Form OPA R-532A or on Form OPA R-533A (coupons which do not bear the printed double letters "TT"

on the face of each coupon) which he received as the result of a transfer of gasoline made by him or a dealer to a consumer outside of the restricted area. He shall not deposit after August 14, 1943, any such coupon which he acquired as the result of a transfer of gasoline made by him or a dealer to a consumer within the restricted area.

[Paragraph (7) added by Amendment 57, 8 F.R. 9022, effective 6-23-43]

(8) After September 11, 1943, any exchange certificate.

(9) After September 11, 1943, any 100 gallon bulk coupon.

(10) After September 11, 1943, any Class B or C coupon issued on Form OPA R-527, Form OPA R-527A, Form OPA R-528 or Form OPA R-528A (coupons which do not bear the printed words "Mileage Ration")

[Paragraphs (8), (9), and (10) added by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(b) Every depositor shall, before depositing any coupon sheet not bearing his name and address on the face thereof, or any evidence not affixed to a coupon sheet, endorse his name and address on the reverse side thereof.

(c) A distributor shall deposit any gasoline deposit certificates issued to him, and also may, at any time, deposit all or any part of the coupons or other evidences received by him from a Board as a ration whether or not he has used the gasoline for which the coupons or other evidences were issued. A distributor is not required, however, to deposit coupons issued to him as a ration at the time they are received by him from a Board. A distributor who has received his ration in the form of coupons and who withdraws gasoline from his facilities as a distributor for his own use, shall deposit in his account a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so withdrawn.

[Paragraph (c) as amended by Amendment 59, 8 F.R. 6246, effective 6-15-43]

(d) A depositor shall not list for deposit on a single slip coupons of the same class which have different values. He shall list such coupons upon separate slips according to their value.

[Paragraph (d) added by Amendment 21, 8 F.R. 1835, effective 2-10-43]

(e) Every bulk consumer who is not a distributor and to whom a Board has issued one or more gasoline deposit certificates in the manner provided in § 1394.8006 shall, immediately after receiving his ration from the Board, deposit all such gasoline deposit certificates in his account. Such a bulk consumer shall not deposit coupons issued to him by a Board as a ration.

[Paragraph (e) added by Amendment 50, 8 F.R. 6846, effective 6-15-43]

[§ 1394.8206b added by Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8206c *Issuance of checks.* A depositor may not issue a check except to the following persons:

(a) To a person who transfers gasoline to him, in exchange for the transfer of the gasoline.

(b) To a person from whom he has received evidences, to make an adjustment between the amount of evidences received and the amount of gasoline transferred to such person in exchange for such evidences.

(c) To the Office of Price Administration or to any office or Board thereof.

(d) To his own account, for the purpose of transferring ration credits from one of his accounts as a licensed distributor to another of his accounts as a licensed distributor, or from one of his accounts as a bulk consumer to another of his accounts as a bulk consumer.

[Paragraph (d) amended by Amendment 36, 8 F.R. 3315, effective 3-22-43 and Amendment 57, 8 F.R. 9022, effective 6-29-43]

(e) To the Office of Defense Transportation.

[Paragraph (e) added by Amendment 50, 8 F.R. 6846, effective 6-15-43]

[§ 1394.8206c added by Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8206d *Termination of Temporary Ration Banking Plan.* (a) Sections 1394.8326 through 1394.8338, inclusive (Temporary Ration Banking Plan) are revoked as of 12:01 a. m. February 9, 1943.

[§ 1394.8206d added by Amendment 18, 8 F.R. 1282, effective 1-27-43 and amended by Amendment 84, effective 11-18-43]

RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

§ 1394.8207 *Restriction on transfers to dealers.* (a) (1) Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a dealer, and no dealer shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the quantity of the gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline transferred: *Provided*, That transfers of gasoline may be made only in exchange for coupons which bear the notations required by paragraphs (d) and (e) of § 1394.8004, paragraph (c) of § 1394.8006 and paragraph (b) of § 1394.8206, and which have been affixed to coupon sheets containing the name, address, date of surrender and unit value of the coupons as prescribed in § 1394.8211.

[Paragraph (1) amended by Amendment 18, 8 F.R. 1282, effective 1-27-43 and Amendment 21, 8 F.R. 1895, effective 2-10-43]

(2) Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a distributor, and no distributor shall receive a transfer of gasoline, except in exchange for his check, at the time of the actual delivery of the gasoline or in advance thereof, payable to the transferor of the gasoline in an amount equal to the gal-

lonage value of the quantity of gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal to the gallonage value of the adjusted quantity of gasoline transferred: *Provided, however* That such a transfer made on or before February 8, 1943, shall be accompanied by an exchange of coupons or other evidences (other than checks) if the distributor has not opened an account at the time of the transfer: *Provided, further* That a check or coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for re-delivery to the transferee.

[Paragraph (2) as amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

(b) [Revoked.]

(c) [Revoked.]

[Paragraphs (b) and (c) added by Amendment 6, 7 F.R. 10787, effective 12-21-42, amended by Amendment 17, 8 F.R. 1365, effective 2-1-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(d) On and after January 27, 1943, no dealer or distributor shall transfer or offer to transfer gasoline to any other dealer or distributor in exchange for any bulk coupon or deposit any bulk coupon for credit in a Ration Bank account unless such bulk coupon bears the word "Gasoline" imprinted thereon and was issued on Form OPA R-553A or Form OPA R-554A.

[Paragraph (d) added by Amendment 14, 8 F.R. 1028, effective 1-20-43]

(e) [Revoked.]

[Paragraph (e) added by Amendment 19, 8 F.R. 1318, effective 1-28-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(f) [Revoked.]

[Paragraph (f) added by Amendment 21, 8 F.R. 1895, 2288, effective 2-10-43, amended by Amendment 72, 8 F.R. 12023, effective 9-1-43 and revoked by Amendment 77, 8 F.R. 13391, effective 10-1-43]

§ 1394.8208 *Same: Other applicable provisions.* Nothing in Ration Order No. 5C shall be construed to authorize any transfer of gasoline which would be in contravention of any regulation or order of any department or agency of the United States.

§ 1394.8209 *Absentee deliveries; Third party deliveries.* (a) Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver coupons or other evidences (or, if he is a depositor, issue his check) to the distributor in advance, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, equal in gallonage value to the amount, or adjusted amount, of the delivery.

(b) Where delivery of gasoline to a dealer or intermediate distributor is

made by common or contract carrier or by pipe line, or where the billing for gasoline transferred is not received by the transferee at the same time as or prior to receipt of the transfer by him, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences (or, if he is a depositor, issue his check) equal in gallonage value to the amount, or adjusted amount, of the delivery, or may at the discretion of the transferor forward such coupons or other evidences or issue such check to the transferor within five (5) days after receipt of such delivery.

(c) Where any delivery of gasoline is made to a dealer or distributor from any terminal or storage facility which has been listed upon a schedule issued in accordance with § 1510.34 of Petroleum Directive 59, the transferee may forward to the transferor within fifteen (15) days after receipt of such delivery an amount of coupons or other evidences, or a ration check, equal in gallonage value to the number, or adjusted number, of gallons so delivered.

[§ 1394.8209 added by Amendment 27, 8 F.R. 2780, effective 3-10-43. Former § 1394.8209 amended by Amendment 18, 8 F.R. 1282, effective 1-27-43 and revoked by Amendment 27]

§ 1394.8210 *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall issue to such dealer or intermediate distributor his check equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences (or, in the case of a transfer or return to a distributor, shall issue his certified check payable to the Office of Price Administration) equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the District Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of

the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

[Paragraph (b) as amended by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(c) If gasoline is transferred between a Military or Naval Post or Station and a facility such as a Post Exchange or Ships' Service Store, the transferee of the gasoline need not surrender coupons or other evidences or issue his check to a Board as required in paragraph (b) of this section.

[Paragraph (c) amended by Amendment 4, 7 F.R. 10338, effective 12-15-42 and Amendment 18, 8 F.R. 1282, effective 1-27-43]

[§ 1394.8210 amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8211 *Preservation of coupons: coupon sheets.* Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets (Form OPA R-120). Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet. Prior to deposit in a bank or any transfer of such coupons, the dealer or distributor who first accepted such coupons from a consumer shall write, stamp or print upon the coupon sheet the business or firm name and the business address, as registered at the Board, of the place of business at which the coupons were first accepted, the unit value of the coupons, the number of coupons attached, the total value of the coupons attached, the date on which such coupon sheet is surrendered by him to a dealer or distributor for replenishment or, when it has never been so surrendered, the date on which such coupon sheet is deposited for credit in a ration bank account. Each dealer or distributor in a State which lies partly within and partly outside the gasoline shortage area shall also write, stamp or print on such coupon sheet the name of the county where his place of business is located.

[§ 1394.8211 amended by Amendment 18, 8 F.R. 1282, effective 1-27-43, Amendment 21, 8 F.R. 1895, effective 2-10-43, Amendment

40, 8 F.R. 4850, effective 4-19-43 and Amendment 60, 8 F.R. 9202, effective 7-8-43]

§ 1394.8212 *Summaries of acknowledgments and gasoline purchase permits; endorsement of purchase permits.* (a) Each dealer and distributor shall attach the acknowledgments of delivery and gasoline purchase permits delivered to him by authorized purchasers to a summary of coupons and other evidences (Form OPA R-541) on which he shall separately summarize the number of such acknowledgments and the number of gallons sold and the number of such permits and the number of gallons sold.

(b) Each dealer and distributor who accepts a gasoline purchase permit (Form OPA R-571) from a consumer in exchange for a transfer of gasoline shall write his name and the address of his place of business where the transfer was made on the back of such permit before delivering it to a distributor or depositing it in his ration bank account.

[§ 1394.8212 as amended by Amendment 73, 8 F.R. 13124, effective 9-29-43]

§ 1394.8213 *Summary of coupons.* Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline, prepare in duplicate, on Form OPA R-541, a summary of coupons and other evidences in the manner directed thereon, certifying the number of each type of coupon or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. A distributor who receives such a summary shall retain it at his place of business for a period of not less than one year.

[§ 1394.8213 as amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

§ 1394.8214 [Revoked.]

[§ 1394.8214 amended by Amendment 6, 7 F.R. 10787, effective 12-21-42, Amendment 17, 8 F.R. 1365, effective 2-1-43, Amendment 18, 8 F.R. 1282, effective 1-27-43, and revoked by Amendment 71, 8 F.R. 11423, effective 8-16-43]

§ 1394.8215 *Transfer and surrender of expired coupons.* (a) No dealer shall accept from a consumer in exchange for a transfer of gasoline any Class S ration coupon issued pursuant to Ration Order No. 5A, or any Class A coupon the period of validity of which, as shown on the face thereof, has expired; and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior, in the case of Class S coupons, to December 1, 1942, or in the case of Class A coupons, to the expiration of its period of validity.

(b) Every dealer or distributor who has in his possession or control any Class S ration coupons on or after December 1, 1942, or any Class A ration coupons the valid period of which has elapsed, shall dispose of such coupons in prefer-

ence to others in his possession or control, when exchanging coupons for transfers of gasoline or for exchange certificates, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5C.

[Paragraphs (a) and (b) as amended by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(c) Within ten days after the end of the valid period of Class A ration coupons, each dealer who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline before the end of their valid period shall either surrender them to a distributor in exchange for a transfer of gasoline, or shall surrender them, summarized on Form OPA R-541, to the Board having jurisdiction over the area where his place of business is located. The Board shall issue to the dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After ten days have elapsed after the end of the valid period no gasoline may be transferred to or accepted by a dealer in exchange for such coupons and no Board shall issue inventory coupons or other evidences to a dealer in exchange for such coupons. Within twenty days after the end of the valid period of Class A coupons, each distributor who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline to a consumer before the end of their valid period or any Class A ration coupons which he received in exchange for a transfer of gasoline to a dealer before ten days have elapsed after the end of their valid period, shall deposit them in a ration bank account maintained by him. No Class A coupon shall be valid for any purpose after twenty days have elapsed after its expiration date. After December 15, 1942, Class S ration coupons are void and may not be used for any purpose.

[Paragraph (c) amended by Amendment 1, 7 F.R. 9787, effective 11-21-42, Amendment 18, 8 F.R. 1282, effective 1-27-43, and Amendment 57, 8 F.R. 9022, effective 6-23-43]

(d) [Revoked.]

(e) [Revoked.]

[Paragraphs (d) and (e) added by Amendment 14, 8 F.R. 1023, effective 1-20-43 and revoked by Amendment 79, 8 F.R. 14345, effective 10-25-43]

(f) [Revoked.]

(g) [Revoked.]

[Paragraphs (f) and (g) added by Amendment 21, 8 F.R. 1835, effective 2-10-43 and revoked by Amendment 79]

(h) [Revoked.]

[Paragraph (h) added by Amendment 24, 8 F.R. 2353, effective 3-1-43 and revoked by Amendment 79]

(i) [Revoked.]

(j) [Revoked.]

[Paragraphs (i) and (j) added by Amendment 40, 8 F.R. 4850, effective 4-19-43 and revoked by Amendment 79]

(k) [Revoked.]

[Paragraph (k) added by Amendment 54, 8 F.R. 8009, effective 6-14-43 and revoked by Amendment 79]

(l) [Revoked.]

(m) [Revoked.]

[Paragraphs (l) and (m) added by Amendment 55, 8 F.R. 8180, 9787, effective 6-19-43 and revoked by Amendment 79]

(n) [Revoked.]

[Paragraph (n) added by Amendment 57, 8 F.R. 9022, effective 6-29-43 and revoked by Amendment 79]

(o) No Class T coupons issued on Form OPA R-532 A or Form OPA R-533 A (Class T coupons which do not bear the printed double letters "TT" on the face of the coupons) are valid.

[Paragraph (o) added by Amendment 57 and amended by Amendment 79]

(p) [Revoked.]

(q) [Revoked.]

[Paragraphs (p) and (q) added by Amendment 64, 8 F.R. 9457, effective 7-14-43 and revoked by Amendment 79]

(r) (1) Immediately upon the last closing of business before August 15, 1943, each dealer who has in his possession or control Class A-7, B or C coupons which he acquired before August 16, 1943, in exchange for lawful transfers of gasoline made in Area B when such coupons had a unit value of four gallons of gasoline per coupon shall attach such coupons to gummed sheets (Form OPA R-120) to which no other coupons are attached. He shall summarize such coupons at a value of four gallons per coupon on a summary form (Form OPA R-541) on which no other coupons are listed. On or before August 21, 1943, each dealer shall surrender such coupons and summary either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. From August 16, 1943 to August 21, 1943, inclusive, each distributor shall transfer gasoline at a rate of four gallons for each such coupon so remitted by a dealer.

(2) Until August 28, 1943, a distributor may deposit in a ration bank account at a four gallon value any Class A, B or C coupon which he acquired in exchange for a lawful transfer of gasoline made in Area B to a consumer before August 16, 1943, or to a dealer before August 22, 1943, at a rate of four gallons per coupon.

[Paragraph (r) added by Amendment 71, 8 F.R. 11429, effective 8-16-43 and amended by Amendment 77, 8 F.R. 13391, effective 10-1-43]

(s) Every distributor who has in his possession or control any exchange certificate (Form OPA R-548) shall, on or before September 11, 1943, deposit such exchange certificate in a ration bank account maintained by him for the place of business at which such exchange certificate was received. After September

11, 1943, no exchange certificate shall be valid for any purpose.

(t) (1) Immediately upon the close of business on August 31, 1943, each dealer who has in his possession or control 100 gallon bulk coupons issued on Form OPA R-553A (100 gallon bulk coupons bearing the printed word "gasoline") or Class B or C coupons issued on Form OPA R-527, R-527A, R-528 or R-528A which he acquired before September 1, 1943, in exchange for lawful transfers of gasoline shall attach such coupons to gummed sheets (Form OPA R-120) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. Such form shall be executed in triplicate. The dealer shall place the original copy of the Form OPA R-541 and the coupons and gummed sheets in an envelope and seal them within the envelope. He shall also set forth on the outside of the envelope his name, the address of his place of business where the coupons were received and a summary of the coupons contained in the envelope. Not later than September 2, 1943, the dealer shall transmit one copy of the Form OPA R-541 to the Board having jurisdiction over the area where his place of business is located. The third copy of the Form OPA R-541 shall be retained at the dealer's place of business for a period of one year. Each dealer shall, before September 7, 1943, surrender such coupons enclosed in the sealed envelope either to a distributor in exchange for a transfer of gasoline or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. No dealer shall transfer any 100 gallon bulk coupons or any Class B or C coupons issued on Form OPA R-527, R-527A, R-528 or R-528A which were received by him after August 31, 1943.

(2) After September 6, 1943, no distributor shall accept from any dealer or distributor any 100 gallon bulk coupons issued on Form OPA R-553A (100 gallon bulk coupons bearing the printed word "gasoline") or any Class B or C coupons issued on Form OPA R-527, R-527A, R-528, or R-528A, nor shall a distributor make any transfers of gasoline in exchange for such coupons. On or before September 11, 1943, each distributor shall deposit in appropriate ration bank accounts maintained by him any such coupons received by him in exchange for a lawful transfer of gasoline made on or before September 7, 1943.

(3) After September 11, 1943 no 100 gallon bulk coupons nor any Class B or C coupons issued on Form OPA R-527, R-527A, R-528 or R-528A shall be valid for any purpose except as provided in § 1394.8112 or § 1394.8116.

[Paragraphs (s) and (t) added by Amendment 71, 8 F.R. 11429, effective 8-16-43]

(u) (1) On October 1, 1943, every dealer who has in his possession or control Class B or C coupons issued as parts

of Form OPA R-527B or Form OPA R-528B which he acquired in exchange for lawful transfers of gasoline made by him prior to October 1, 1943 in the Restricted Area at a time when such coupons had a unit value of two and one-half gallons of gasoline per coupon, shall summarize such coupons at a value of two and one-half gallons per coupon on a summary form (Form OPA R-541) On or before October 6, 1943, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. From October 1 to October 6, 1943, inclusive, each distributor shall transfer gasoline within the Restricted Area at a rate of two and one-half gallons for each such coupon so surrendered. After October 6, 1943, no distributor shall accept from a dealer any such coupons so remitted, nor shall he make any transfer of gasoline in exchange for such coupons so remitted except upon a basis of two gallons of gasoline per coupon.

(2) On or before October 11, 1943, a distributor may deposit in a ration bank account at a two and one-half gallon value any Class B or C coupon issued as a part of Form OPA R-527B or Form OPA R-528B which he acquired in exchange for a lawful transfer of gasoline made in the Restricted Area to a consumer before October 1, 1943, or to a dealer on or before October 6, 1943, at a rate of two and one-half gallons per coupon. After October 11, 1943, every Class B or C coupon deposited by a distributor in the Restricted Area shall be deposited at a value of two gallons.

(v) (1) On October 1, 1943, every dealer who has in his possession or control Class B or C coupons issued as parts of Form OPA R-527B or Form OPA R-528B which he acquired in exchange for lawful transfers of gasoline made by him prior to October 1, 1943 in Area B or in that part of the gasoline shortage area which is outside the Restricted Area at a time when such coupons had a unit value of three gallons of gasoline per coupon, shall summarize such coupons at a value of three gallons per coupon on a summary form (Form OPA R-541) On or before October 6, 1943, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer in exchange for such coupons, inventory coupons equal in gallonage value to the listed value of the coupons so surrendered. From October 1, 1943, to October 6, 1943, inclusive, each distributor shall transfer gasoline within Area B and within that part of the gasoline shortage area which is outside the Restricted Area at a rate of three gallons for each such coupon so surrendered. After October 6, 1943, no distrib-

utor shall accept from a dealer any such coupons so remitted, nor shall he make any transfer of gasoline in exchange for such coupons so remitted, except upon a basis of two gallons of gasoline per coupon.

(2) On or before October 11, 1943, a distributor may deposit in a ration bank account at a three gallon value any Class B or C coupon issued as a part of Form OPA R-527B or Form OPA R-528B which he acquired in exchange for a lawful transfer of gasoline made by him at a rate of three gallons per coupon in Area B or in that part of the gasoline shortage area which is outside the Restricted Area. After October 11, every Class B or C coupon deposited by a distributor in Area B or in the gasoline shortage area shall be deposited at a value of two gallons.

[Paragraphs (u) and (v) added by Amendment 77, 8 F.R. 13391, effective 10-1-43]

(w) (1) On October 12, 1943, every dealer who has in his possession or control Class A-8 coupons or Class B or C coupons issued as parts of Form OPA R-527B, Form OPA R-527C, Form OPA R-528B or Form OPA R-528C which he acquired in exchange for lawful transfers of gasoline made by him prior to October 12, 1943, in Area A at a time when such coupons had a unit value of four gallons of gasoline per coupon shall summarize such coupons at a value of four gallons per coupon on a summary form (Form OPA R-541). On or before October 16, 1943, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. From October 12, 1943, to October 16, 1943, inclusive, each distributor shall transfer gasoline within Area A at a rate of four gallons for each coupon so surrendered. After October 16, 1943, no distributor shall accept from a dealer any such coupons so remitted, nor shall he make any transfer of gasoline in exchange for such coupons so remitted except upon a basis of three gallons of gasoline per coupon.

(2) On or before October 22, 1943, a distributor may deposit in a ration bank account at a four gallon value any Class A-8 coupons or Class B or C coupons issued as a part of Form OPA R-527B, Form OPA R-527C, Form OPA R-528B or Form OPA R-528C which he acquired in exchange for a lawful transfer of gasoline made in Area A to a consumer before October 12, 1943, or to a dealer on or before October 16, 1943, at a rate of four gallons per coupon. After October 22, 1943, every Class A-8, B or C coupon deposited by a distributor in Area A shall be deposited at a value of three gallons.

[Paragraph (w) added by Amendment 80, 8 F.R. 14013, effective 10-12-43]

§ 1394.8216 *Certification of shortage, and disposal of invalidated coupons and evidences.* (a) Dealers and intermediate distributors shall be permitted from time to time to apply by certification (on Form OPA R-549) for replenishment for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstance, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of reasons therefor. If, on consideration of the certification presented and of such other facts as it may require of the applicant, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of any acts performed in violation of Ration Order No. 5A or 5C, and that any claimed shortage of gasoline is reasonable, the Board shall file the certification and issue to the applicant a quantity of inventory coupons or, if the applicant is an intermediate distributor, a gasoline deposit certificate, equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer or intermediate distributor for his records.

[Above text amended by Amendment 50, 8 F.R. 6846, effective 6-15-43 and designated (a) by Amendment 81, 8 F.R. 14816, effective 11-3-43. Section heading as amended by Amendment 81]

(b) In the event that any dealer or intermediate distributor has in his possession or control any coupon or other evidence which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, and which can no longer be lawfully transferred by him or deposited in a ration bank account at the same unit value which such coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline, the dealer or intermediate distributor shall surrender such coupon or other evidence to the Board having jurisdiction over the area where his place of business is located. Every dealer and intermediate distributor shall prepare, in triplicate, on Form OPA R-541, a list of the coupons and other evidences so surrendered and the unit value which each such coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline, and a written statement in triplicate setting forth: (1) the reasons he was unable to dispose of the coupons or other evidences within the time prescribed in §1394.8215; (2) the storage capacity, quantity of gasoline on hand, and the total gallonage value of the ration credits, gasoline deposit certificates, coupons and other evidences on hand for such place of business. The dealer or intermediate distributor shall sign the summary of coupons and evidences (Form OPA R-541) and the statement and shall file the original and one copy

thereof with the Board having jurisdiction over the area where his place of business is located. The Board shall forward one copy of the summary and statement, containing a notation of the action of the Board thereon, to the Chief Enforcement Attorney in the Office of the District Director having jurisdiction over the area where the Board is located. If the Board finds that the coupons were acquired by the dealer or intermediate distributor at the unit value listed, in exchange for a lawful transfer of gasoline, and that there was good reason for the dealer or intermediate distributor's failure to dispose of the coupons within the time prescribed, the Board shall issue inventory coupons, in the case of a dealer, or a gasoline deposit certificate, in the case of an intermediate distributor, equal in gallonage value to the listed value of the coupons surrendered, except that the Board shall not issue inventory coupons or a gasoline deposit certificate in an amount which would cause the aggregate gallonage value of all ration credits, gasoline deposit certificates, coupons or other evidences in the possession or control of the dealer or intermediate distributor to exceed the unfilled storage capacity of such dealer or intermediate distributor. In the event the Board disallows the application it shall refund all coupons and other evidences which are invalid and return to the applicant those evidences which are still valid and which then have a value less than the value at which they were received by the applicant.

[Paragraph (b) added by Amendment 81, 8 F.R. 14816, effective 11-3-43]

RECORDS AND AUDITS

§ 1394.8217 *Records to be kept by dealers and intermediate distributors.* (a) Every dealer and intermediate distributor shall be accountable for all gasoline, ration credits, gasoline deposit certificates, coupons and other evidences received by him. Gasoline deposit certificates, coupons and other evidences received at or for a place of business shall be, at all times when the dealer or distributor is open to transact business, retained by him at the place of business for which they were received, or deposited in a ration bank account maintained for that place of business, until such time as they are surrendered to a dealer or distributor in exchange for gasoline, or otherwise surrendered pursuant to Ration Order No. 5C. The aggregate gallonage value of gasoline deposit certificates, coupons and other evidences on hand or on deposit for each place of business of a dealer or intermediate distributor, shall, at all times, be equal to, but not in excess of, the number of gallons of gasoline which would be required to fill the storage capacity of such place of business, as shown by the current certificate of registration, except for:

(1) Any shortage of such quantity of gasoline as the dealer or distributor may be able to account for by reason of evaporation, handling, contraction, accident, theft, absentee deliveries pursuant

to § 1394.8209, deliveries made under the conditions enumerated in § 1394.8153 (c) (1) (i) and (ii) or other extraordinary circumstances;

(2) Any excess of such quantity of gasoline as the dealer or distributor may be able to account for by reason of expansion, deliveries made to him pursuant to § 1394.8209, or other extraordinary circumstances;

(3) Any shortage of ration credits, gasoline deposit certificates, coupons or other evidences for which the dealer or distributor may be able to account by reason of theft or unavoidable loss, or by a surrender of coupons or a ration check or other evidences pursuant to § 1394.8209 in advance of a transfer of gasoline, or by failure to receive all inventory coupons to which he was entitled at the time of registration, or other extraordinary circumstances;

(4) Any excess of ration credits, gasoline deposit certificates, coupons or other evidences for which the dealer or distributor may be able to account by delivery to consumers of less gasoline than the unit value of a coupon, in accordance with § 1394.8153 (a) (1) by absentee deliveries made to him; or by coupons, ration checks or other evidences surrendered to him in advance of transfers of gasoline, pursuant to § 1394.8209, or by other extraordinary circumstances.

[Paragraph (a) added by Amendment 24, 8 F.R. 2353, effective 3-1-43 and amended by Amendment 56, 8 F.R. 9021, effective 7-1-43. Former text of section designated paragraph (b) and section heading amended by Amendment 24]

(b) At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

§ 1394.8218 *Reports by licensed distributors.* (a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules) which he shall submit to the State motor fuel tax administration at the time and in the manner required by such administration for the usual monthly report. He shall at the same time issue his check, payable to the Office of Price Administration and certified or confirmed by the bank carrying the account on which the check is drawn, in an amount equal to the total gallonage value of coupons or other evidences for which he is required to account for the period for which such return is made and he shall attach this check to the copy of the report submitted. Gasoline which has been shipped and billed in exact amount to a transferee during a calendar month, and which is included

by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

[Paragraph (a) as amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

(b) The licensed distributor shall also prepare in triplicate a reconciliation statement (Form OPA R-550) reconciling the difference between the gallonage value of the check so submitted and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year: *Provided, however* That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached check and the reconciliation form.

[Paragraph (b) as amended by Amendment 18, 8 F.R. 1282, effective 1-27-43]

(c) Any licensed distributor who is not required by the State to which he is required to account for State motor fuel taxes to include his monthly opening and closing gasoline inventories in his motor fuel tax return shall take a physical inventory of his gasoline on hand at the beginning or ending of each month, and shall include in such inventory all gasoline in transit and billed to him. Such distributor, in addition to other information which may be required, shall include such monthly opening and closing gasoline inventories on the reconciliation form prepared by him.

(d) Every licensed distributor shall be accountable for all gasoline, gasoline deposit certificates, coupons and other evidences received by him. He shall at all times have in his possession or control, or on deposit in a ration bank account maintained by him, gasoline deposit certificates, ration credits, coupons and other evidences having an aggregate gallonage value which, when added to the gallonage represented by exchange certificates and ration checks which have been transmitted to the State motor fuel tax administration, shall be equal to, but not in excess of, the number of gallons of gasoline which he has transferred on or after December 1, 1942 (or, on or after July 22, 1942, in the limitation area) and for which the receipt by him of coupons or other evidences was required, except for:

(1) Any shortage of gasoline deposit certificates, ration credits, coupons or other evidences for which the distributor

may be able to account by reason of theft, unavoidable loss, absentee transfers of gasoline pursuant to § 1394.8209 or transfers of gasoline made under the conditions enumerated in § 1394.8153 (c) (1) (i) and (ii) or coupons or other evidences which have been surrendered by him for transfers of gasoline made to him by consumers, dealers or intermediate distributors, or by other extraordinary circumstances;

(2) Any excess of ration credits, coupons or other evidences which may be accounted for by delivery to consumers of less gasoline than the unit value of a coupon in accordance with § 1394.8153 (a) (1) coupons or other evidences surrendered to him in advance of a transfer of gasoline to be made by him, ration credits, coupons or other evidences held by him for surrender to a person who has transferred gasoline to him pursuant to § 1394.8209, or other extraordinary circumstances.

[Paragraph (d) added by Amendment 18, 8 F.R. 1282, effective 1-27-43 and amended by Amendment 56, 8 F.R. 9021, effective 7-1-43. Former paragraph (d) revoked by Amendment 1, 7 F.R. 9787, effective 11-21-42]

(e) In the event that any licensed distributor has in his possession or control at any of his facilities any coupons or other evidences which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, but which can no longer be deposited by him in a ration bank account at the same unit value as such coupons or other evidences had at the time the gasoline was transferred, the licensed distributor shall surrender such coupons and other evidences to the Board with which the facility of such licensed distributor is registered. All coupons and other evidences so surrendered shall be listed by the licensed distributor on triplicate copies of Form OPA R-541, at the unit value which the coupons and other evidences had at the time of transfer of the gasoline in exchange for which the coupons or other evidences were received. The Board shall retain one copy of the Form OPA R-541, and shall endorse a receipt and the Board's address upon the original and one copy and return them to the licensed distributor. At the time of his submission of his next monthly state motor fuel tax report, the licensed distributor shall also submit, attached to his reconciliation statement (Form OPA R-550) the original summary on Form OPA R-541, bearing the receipt of the Board, and, on an attached statement, shall explain in detail the circumstances surrounding his failure to deposit the coupons or other evidences within the time allowed. He shall report on line 18 of his reconciliation statement (Form OPA R-550) the total listed value of the coupons or other evidences which have been so surrendered by him to the Board and which have not been reported on a reconciliation statement previously submitted. If the Office of Price Administration, Washington, D. C., finds that the coupons were acquired by the distributor at the unit value listed, in ex-

change for a lawful transfer of gasoline, and that there was good reason for the distributor's failure to deposit the coupons or other evidences within the time allowed, it will credit the licensed distributor with the value of the coupons or other evidences surrendered to the Board, and instruct the Board to destroy the coupons or other evidences so surrendered.

[Paragraph (e) added by Amendment 81, 8 F.R. 14815, effective 11-3-43]

§ 1394.8219 *Audit by State motor fuel tax administration.* On completion of its usual office audit of a licensed distributor's monthly motor fuel tax report, each State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached checks in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will, within the shortest possible time, forward the additional copy of the tax return, the attached checks and the original of the reconciliation form and supporting statements, to the Control and Audit Unit, Gasoline Rationing Branch, Office of Price Administration, Washington, D. C. In the event of discovery of any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of all the facts relating to any such irregularity.

[§ 1394.8219 as amended by Amendment 18, 8 F.R. 1232, effective 1-27-43]

NEW REGISTRATIONS

§ 1394.8220 *Registration of new or reopened place of business.* Any dealer or distributor who opens or reopens a place of business not currently registered by such dealer or distributor under the provisions of § 1394.8201, shall, prior to receipt or transfer of any gasoline at such place of business, register such place of business in the manner provided in § 1394.8201, and shall be issued inventory coupons, if the registrant is a dealer, or a gasoline deposit certificate, if the registrant is an intermediate distributor, equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

[§ 1394.8220 as amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

§ 1394.8221 *Cessation of business.* Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the certificate of registration of such place of business and a quantity of coupons or other evidences (or, if he is an intermediate distributor, shall issue to the Board his certified check) equal in gallonage value to the total capacity

of the gasoline storage facilities of such place of business plus the gallonage value of any other coupons or other evidences deposited or on hand (except those issued to him as a ration by a Board).

[§ 1394.8221 as amended by Amendment 18, 8 F.R. 1232, effective 1-27-43]

§ 1394.8222 *Acquisition of place of business from licensed distributor.* Any person acquiring a place of business from a licensed distributor for continued operation for the transfer of gasoline may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall obtain from such licensed distributor, and such distributor shall furnish, the certificate of registration, if any, for such place of business. The transferee shall, immediately after the transfer, deliver such certificate to the Board having jurisdiction of the area in which such place of business is located, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the transferee that he has acquired the place of business described in such certificate and the total quantity of gasoline on hand at such place of business as of the time of transfer. The transferee shall then register as of the time of acquisition of such place of business in the manner provided in §§ 1394.8201 to 1394.8205, inclusive, at the Board having jurisdiction of the area in which such place of business is located, prior to receipt or transfer of any gasoline at such place of business.

§ 1394.8223 *Acquisition of dealer's or intermediate distributor's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer or intermediate distributor may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall, at the time of acquisition, obtain from such dealer or intermediate distributor, and such dealer or intermediate distributor shall furnish, the certificate of registration of such place of business and coupons or other evidences (or, if the transferor is an intermediate distributor, the transferor's certified check payable to the Office of Price Administration) equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer of such place of business. The transferee of such place of business shall, immediately after the transfer, deliver to the Board having jurisdiction over the area in which the place of business is located, the certificate of registration so delivered, and, if the transferee is a licensed distributor, shall also deliver at such time the coupons or other evidences (if the transferor was a dealer) or the check (if the transferor was an intermediate distributor) received by him from such dealer or intermediate distributor, and shall endorse his name and address on such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall consti-

tute a certification by the transferee that he has acquired from the transferor the place of business described in such certificate, the total quantity of gasoline on hand at such place of business, and coupons or other evidences (or, if the transferor was a distributor, a check) equal in gallonage value to the unfilled gasoline storage capacity of such place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of §§ 1394.8201 to 1394.8205, inclusive.

[§ 1394.8223 as amended by Amendment 18, 8 F.R. 1232, effective 1-27-43]

§ 1394.8224 *Surrender or revocation of license of licensed distributor.* Any licensed distributor who ceases to do business as such, although continuing in the business of transferring gasoline, shall, on the day on which he ceases to do business as a licensed distributor, register as a dealer or intermediate distributor, as the case may be, in the manner provided by §§ 1394.8201 to 1394.8205, inclusive, each of his places of business which has not already been so registered, certifying to the Board the total gasoline storage capacity of and the quantity of gasoline on hand at each such place of business as of the date on which he ceased to do business as a licensed distributor.

§ 1394.8225 *Newly licensed distributor.* Any dealer or intermediate distributor who becomes a licensed distributor shall forthwith deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration as a dealer or intermediate distributor of such place of business, and coupons or other evidences (or, if he is an intermediate distributor, he shall issue to the Board his certified check payable to the Office of Price Administration) equal in gallonage value to the total unfilled capacity of the gasoline storage facilities at such place of business, plus the gallonage value of any other coupons or other evidences deposited or on hand (except those issued to him as a ration by a Board) as of the date on which he commenced operations as a licensed distributor, and shall register as a licensed distributor in accordance with the provisions of paragraph (c) of § 1394.8201.

[§ 1394.8225 as amended by Amendment 18, 8 F.R. 1232, effective 1-27-43]

§ 1394.8226 *Change of storage capacity.* Any dealer or intermediate distributor in any manner altering the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his currently valid certificate of registration, and shall register for and obtain a new certificate of registration in the manner provided by §§ 1394.8201 to 1394.8204, inclusive. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. If the total gasoline storage capacity of the place of business is de-

creased, the dealer or intermediate distributor shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of such decrease. If the total gasoline storage capacity of such place of business is increased, the Board shall issue to the registrant a quantity of inventory coupons, if he is a dealer, or a gasoline deposit certificate if he is a distributor, equal in gallonage value to the amount of such increase.

[§ 1394.8226 as amended by Amendment 50, 8 F.R. 6846, effective 6-15-43]

INSPECTIONS

§ 1394.8227 *Inspection of records, facilities, coupon books and other evidences.* (a) All records, reports, forms, accounts, or other documents required by Ration Order No. 5A or Ration Order No. 5C to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any state motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

[Above paragraph designated (a), paragraph (b) added and section heading amended by Amendment 63, 8 F.R. 9219, effective 7-2-43]

(b) All tire inspection records and gasoline deposit certificates and all coupon books, coupons, and other evidences are, and when issued shall remain, the property of the Office of Price Administration. Upon demand made by any investigator of the Office of Price Administration or by any police officer, constable, or other law enforcement officer of the United States or of any state, county, or local government, every person shall produce for inspection any tire inspection record and gasoline deposit certificate and any gasoline coupon books, coupons, and other evidences in his possession or control, whether valid, invalid, void or expired, and whether or not issued or acquired in accordance with Ration Order No. 5C. Investigators of the Office of Price Administration and all police officers, constables and other law enforcement officers of the United States, or of any state, county or local government are authorized to make such inquiries of any person as may be pertinent to determine whether a violation of Ration Order No. 5C has been or is being committed, and are authorized to receive the surrender of all gasoline deposit certificates, gasoline coupon books, coupons and other evidences acquired by any person otherwise than in accordance with Ration Order No. 5C, whether valid, invalid, void or expired.

ADJUSTMENTS AND APPEALS

§ 1394.8251 *Adjustments of errors made by registrars.* (a) Any person who

claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application, or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of Ration Order No. 5C, as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

§ 1394.8252 *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board. Except as provided in § 1394.8105, such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

ENFORCEMENT

§ 1394.8301 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 5C or who otherwise knowingly furnishes false information to any Board or, any other agent, employee or officer of the Office of Price Administration or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1394.8302 *Suspension orders.* Any person who violates this Ration Order No. 5C may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any gasoline, tire or passenger automobile. Proceedings for the issuance of suspension orders shall be instituted and governed pursuant to the provisions of Procedural Regulation No. 4.

[§ 1394.8302 as amended by Amendment 28, 8 F.R. 2720, effective 3-2-43]

GASOLINE RATION BANK ACCOUNTS

§ 1394.8325 [Revoked]

[§ 1394.8325 revoked by Amendment 84, effective 11-18-43]

§ 1394.8339 *Records and duties of depositors.* Each depositor shall retain, for a period of one (1) year, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1394.8340 [Revoked]

[§ 1394.8340 revoked by Amendment 84, effective 11-18-43]

[§§ 1394.8325 through 1394.8340 added by Amendment 2, 7 F.R. 10147, effective 12-1-42. §§ 1394.8336 through 1394.8338 revoked by Amendment 18, 8 F.R. 1282, effective 1-27-43. See § 1394.8206d for details of revocation]

EFFECTIVE DATES

§ 1394.8351 *Effective dates.* (a) Ration Order No. 5C shall become effective on November 9, 1942, except that the provisions of §§ 1394.8151 to 1394.8180, inclusive; and §§ 1394.8201 to 1394.8227, inclusive, shall become effective December 1, 1942.

(b) On and after December 1, 1942, Ration Order No. 5C, §§ 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, §§ 1394.151 to 1394.2001, inclusive: *Provided, however* That Ration Order No. 5A and all amendments

thereto and the provisions of § 1394.8161 (d) and (e) of Ration Order 5C shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms of Ration Order 5A and all amendments thereto prior to December 1, 1942, or under or pursuant to the provisions of § 1394.8161 (d) and (e) of Ration Order No. 5C prior to March 22, 1943.

[§ 1394.8351 amended by Amendment 1, 7 F.R. 9787, effective 11-21-42 and Amendment 37, 8 F.R. 3616, effective 3-22-43]

[Issued November 6, 1942]

§ 1394.8352 *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected]

§ 1394.8353 [Revoked]

[§ 1394.8353 added by Amendment 52, 8 F.R. 8353, effective 6-2-43, amended by Amendment 58, 8 F.R. 8980, effective 6-28-43, Amendment 71, 8 F.R. 11429, effective 8-16-43, Amendment 72, 8 F.R. 12023, effective 9-1-43 and revoked by Amendment 77, 8 F.R. 13391, effective 10-1-43]

NOTE: The reporting and record keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18844; Filed, November 23, 1943; 3:56 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. Supplement 1 to RO 5C]

MILEAGE RATIONING: GASOLINE REGULATIONS

Supplement No. 1 to Ration Order No. 5C is revised and amended to read as set forth below:

A rationale accompanying this Revised Supplement No. 1 to Ration Order No. 5C, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1394.8401 *Designation of unit values of coupons in gallons of gasoline—(a) Unit values of coupons.* The value of the unit represented by Class A, B, C, D, E, R, and T coupons is hereby designated and fixed as follows:

(1) Three (3) gallons of gasoline with respect to Class A, B, and C, coupons in Area A. Two (2) gallons of gasoline with respect to Class B and C coupons in Area B and in the gasoline shortage area. Three (3) gallons of gasoline with respect to Class A coupons in Area B and in the gasoline shortage area.

(2) One and five-tenths (1.5) gallons of gasoline, with respect to Class D coupons;

*Copies may be obtained from the Office of Price Administration.

(3) One (1) gallon of gasoline, with respect to Class E coupons;

(4) Five (5) gallons of gasoline, with respect to Class R and T coupons.

(b) *Definitions.* "Area A" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

"Area B" means the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, the portion of the State of Florida which lies west of the counties of Gadsden, Liberty and Franklin, the portion of the State of West Virginia which lies outside of and west of the counties of Mineral, Grant and Pendleton, the portions of the State of Georgia which lie within the corporate limits of the Cities of Rossville and West Point, the portions of the State of Pennsylvania which lie within the corporate limits of the City of Farrell, Sharon, Sharpsville and Wheatland, and the portions of the State of Virginia which lie within the corporate limits of the Cities of Bluefield and Bristol.

"Gasoline shortage area" means the States of Connecticut, Delaware, Florida, except the portion which lies west of the counties of Gadsden, Liberty and Franklin, Georgia, except the portions which lie within the corporate limits of the Cities of Rossville and West Point, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, except the portions which lie within the corporate limits of the Cities of Farrell, Sharon, Sharpsville and Wheatland, Rhode Island, South Carolina, Vermont, Virginia, except the portions which lie within the corporate limits of the Cities of Bluefield and Bristol, the District of Columbia, and the portion of the State of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton.

This Revised Supplement No. 1 to Ration Order No. 5C shall become effective November 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong., WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of November 1943:

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18845; Filed, November 23, 1943; 3:50 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F; Amdt. 4]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith,

*8 F.R. 10742, 10757.

has been filed with the Division of the Federal Register.*

Ration Order 5F is amended in the following respects:

1. Section 1.1 is amended to read as follows:

SEC. 1.1. *Territorial limitations.* The provisions of this Ration Order shall apply only in the Islands of Kauai, Maui, Oahu and Hawaii in the Territory of Hawaii.

2. Section 7.2 is amended to read as follows:

SEC. 7.2 *Persons entitled to transport rations.* The owner or the person entitled to the use of a commercial motor vehicle may obtain a transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of the vehicle for the quarterly period during which the ration is to be used in order that such operations shall be confined to those which are necessary to the war effort or to the maintenance of essential civilian economy, and be so conducted as to assure maximum utilization in such service of the vehicle or vehicles of the applicant: *Provided*, That no taxicab shall be entitled to any ration unless it is licensed for operation as a taxicab by the appropriate agency of the Territorial Government and is regularly available on call from a definitely established call station for the purpose of carrying passengers for hire (including point to point trips).

3. In section 7.4, the form number is changed to read "OPA Form THR-13 (Revised)"

4. Section 9.3 is amended to read as follows:

SEC. 9.3. *Application for Non-highway Ration.* Application for a non-highway ration shall be made on OPA Form R-537, except that an operator of commercial motor vehicles shall apply for all his non-highway (except marine) requirements on OPA Form THR-13 (Revised), and applications for gasoline for household purposes shall be made on OPA Form THR-11. Such applications may be signed by an agent.

5. Section 10.5 (c) is revoked.

6. Section 10.13 is added to read as follows:

SEC. 10.13 *Presentation of receipt for former rations after change of ownership of vehicle.* No basic, official or transport ration shall be issued for any motor vehicle which has changed ownership after December 1, 1943 unless the applicant submits to the Board, with his application for such ration, the duplicate copy of a receipt on Form OPA R-569 obtained pursuant to the provisions of section 11.6. Any ration which has been issued after a change of ownership of a vehicle may be renewed without presentation of such receipt.

7. Section 11.6 (c) is added to read as follows:

(c) (1) Upon receiving the surrender, pursuant to section 11.6 (a) of all of the

unused coupons and coupon books which represent a ration for use with a motor vehicle transferred to a new owner, and upon receipt of OPA Form THP-3 properly executed by the transferor and the new owner, the Board shall issue a receipt (Form OPA R-569) in duplicate. When a Board is satisfied that the ration issued to the transferor of the vehicle has been lost, stolen, or accidentally destroyed, or is being wrongfully withheld from the possession of the transferor, or that no currently valid ration has been issued for use with such vehicle, or is satisfied that to refuse to issue a receipt (Form OPA R-569) or to require surrender of such ration would cause undue hardship, the Board shall issue such a receipt in duplicate without a surrender of such coupon or coupon books.

(2) After December 1, 1943 any person who transfers a motor vehicle shall deliver to the transferee within five days of the date of the transfer duplicate copies of a receipt duly issued by a Board on Form OPA R-569.

(3) After December 1, 1943 the transferee of a motor vehicle before registering the vehicle on any island for use, shall present the original copy of the receipt on Form OPA R-569 to the appropriate registrar of motor vehicles. The duplicate copy of the receipt shall be submitted by the transferee of the motor vehicle to the Board pursuant to the provisions of section 10.13 at the time he applies for a ration for the vehicle.

(4) Any motor vehicle dealer holding for sale or resale any motor vehicle for which no currently valid ration has been issued other than a special ration pursuant to the provisions of section 8.1 (c) may obtain duplicate copies of a receipt on Form OPA R-569 for each vehicle held by him, by making application to a Board on or before December 10, 1943. After December 1, 1943 any motor vehicle dealer or any purchaser of a motor vehicle for scrap who acquires a motor vehicle shall obtain duplicate copies of a receipt, duly issued by a Board on Form OPA R-569, from the transferor of the vehicle at the time of transfer.

(5) Any person who scraps a motor vehicle on or after December 1, 1943, shall keep on hand for a period of twelve months at the place of business or other establishment where such vehicle was scrapped, duplicate copies of a receipt on Form OPA R-569 for every such vehicle.

This amendment shall become effective December 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., E.O. 9125, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 22d day of November 1943.

MELVIN C. ROBBINS,
Territorial Director
Territory of Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator
Region IX.

[F. R. Doc. 43-18846; Filed, November 23, 1943;
3:57 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 89]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5201 (f) is added to read as follows:

(f) On and after December 1, 1943 all definite value coupons on Class 1 and Class 2 coupon sheets shall be void. No fuel oil shall be transferred to any person and no exchange certificate or other evidence shall be issued to a dealer or primary supplier in exchange for such void coupons.

2. Section 1394.5684 (b) is amended to read as follows:

(b) Definite value coupons except those from Class 1 or Class 2 coupon sheets, ration checks, exchange certificates, export certificates, and acknowledgments of delivery may be deposited at any time. Inventory coupons may be deposited on or before, but not after, August 31, 1943. Definite value coupons from Class 1 or Class 2 coupon sheets (those printed in red, green, blue, or purple) may be deposited on or before, but not after, November 30, 1943.

3. Section 1394.5723 (a) is amended by inserting the phrase "or (f)" after the words "paragraph (e)" in the first sentence.

This amendment shall become effective on December 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator

[F. R. Doc. 43-18847; Filed, November 23, 1943;
4:01 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Supp. Admin. Order ODT 1-5, Amdt. 1]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY TO ASSISTANT DIRECTOR, DIVISION OF TRAFFIC MOVEMENT

Pursuant to § 503.5, paragraph (a) subparagraph (4) of Administrative Order ODT 1, as amended (8 F.R. 6001, 14857) Supplementary Administrative Order ODT 1-5 is hereby amended by

*Copies may be obtained from the Office of Price Administration.
17 F.R. 8480.

substituting the name "C. F. Caley" for "Walter Bockstahler" where the latter name appears in paragraph 1 of said Supplementary Administrative Order ODT 1-5.

This Amendment 1 to Supplementary Administrative Order ODT 1-5 shall become effective November 22, 1943.

Issued at Washington, D. C., this 22d day of November, 1943.

HENRY F. MCCARTHY,
Director,
Division of Traffic Movement,
Office of Defense Transportation.

[F. R. Doc. 43-18831; Filed, November 23, 1943;
12:04 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1943 Dept. Cir. 696, 1st Rev.]

TREASURY SAVINGS NOTES, SERIES C

OFFERING OF NOTES

NOVEMBER 20, 1943.

I. *Offering of notes.* 1. The Secretary of the Treasury pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale to the people of the United States, at par, an issue of notes of the United States, designated Treasury Savings Notes, Series C, which notes, if inscribed in the name of a Federal taxpayer, will be receivable as hereinafter provided at par and accrued interest in payment of Federal income, estate and gift taxes.

2. The term Treasury Savings Notes, Series C, as used in this circular shall include Treasury Notes of Tax Series C, issued under this circular as originally published and Treasury Savings Notes, Series C, issued under this circular as originally published and amended.

3. The sale of the notes will continue until terminated by the Secretary of the Treasury.

II. *Description of notes*—1. *General.* Treasury Savings Notes, Series C will in each instance be dated as of the first day of the month in which payment, at par, is received and credited by an agent authorized to issue the notes. They will mature three years from that date, and may not be called by the Secretary of the Treasury for redemption before maturity. All notes issued during any one calendar year shall constitute a separate series indicated by the letter "C" followed by the year of maturity. At the time of issue the authorized issuing agent will inscribe on the face of each note the name and address of the owner, will enter the date as of which the note is issued and will imprint his dating stamp (with current date). The notes will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000, \$100,000, \$500,000 and \$1,000,000. Exchange of authorized denominations from higher to lower, but not from lower to higher, may be arranged at the office of the agent that issued the note.

2. *Acceptance for taxes or cash redemption.* If inscribed in the name of an individual, corporation, or other entity paying Federal estate, income or gift taxes, the notes will be receivable, subject to the provisions of section IV of this circular, at par and accrued interest, in payment of such Federal taxes assessed against the owner or his estate. If not presented in payment of taxes, or if not inscribed in the name of a Federal tax payer, and subject to the provisions of section V of this circular, the notes will be payable at maturity or, at the owner's option and request, they will be redeemable before maturity, at par and accrued interest.

3. *Interest.* Interest on each \$1,000 principal amount of Savings Notes, Series C will accrue each month from the month of issue, on a graduated scale, as follows:

	Each month
First to Sixth months, inclusive.....	\$0.50
Seventh to Twelfth months, inclusive.....	.80
Thirteenth to Eighteenth months, inclusive.....	.90
Nineteenth to Twenty-Fourth months, inclusive.....	1.00
Twenty-Fifth to Thirty-Sixth months, inclusive.....	1.10

The table appended to this circular shows for notes of each denomination, for each consecutive calendar month from month of issue to month of maturity, (a) the amount of interest accrual, (b) the principal amount of the note with accrued interest (cumulative) added, and (c) the approximate investment yields. In no case shall interest accrue beyond the month in which the note is presented in payment of taxes, or for redemption before maturity as provided in Section V of this circular, or beyond its maturity. Interest will be paid only with the principal amount.

4. *Forms of inscription.* Treasury Savings Notes, Series C may be inscribed in the name of an individual, corporation, unincorporated association or society, or a fiduciary (including trustees under a duly established trust where the notes would not be held as security for the performance of a duty or obligation) whether or not the inscribed owner is subject to Federal taxation. They may also be inscribed in the name of a town, city, county or state or other Governmental body and in the name of a partnership, but notes in the name of a partnership are not acceptable in payment of taxes, since a partnership is not a Federal taxpaying entity. The notes will not be inscribed in the names of two or more persons as joint owners or coowners; or in the name of a public officer, whether or not named as trustee, where the notes would in effect be held as security.

5. *Nontransferability.* The notes may not be transferred in ordinary course: except that (1) if inscribed in the name of a married man they may be reissued in the name of his wife, or if inscribed in the name of a married woman they may be reissued in the name of her husband, upon request of the person in whose name the notes are inscribed and the surrender of the notes to the agent that issued them; (2) if inscribed in the

name of a corporation owning more than 50 percent of the stock, with voting power, of another corporation, the notes may be reissued in the name of the subsidiary upon request of the corporation and surrender of the notes to the agent that issued them; (3) upon the death or disability of an individual inscribed owner or the dissolution, consolidation or merger of a corporation or unincorporated association named as owner, reissue or payment may be made in accordance with section VI hereof; and (4) payment but not reissue, may be made as a result of legal proceedings as set forth in said section VI. The notes may not be hypothecated and no attempted hypothecation or pledge as security will be recognized by the Treasury Department: *Provided, however,* That the notes may be pledged as collateral for loans from banking institutions and if title thereto is acquired by a bank because of the failure of a loan to be paid, the notes will be redeemed at par and accrued interest to the month in which acquired on surrender to the agent who issued them, accompanied by proof of the date of acquisition and by request of the pledgee under power of the attorney given by the pledgor in whose name the notes are inscribed. The notes will not be transferred to a pledgee. The notes will not be acceptable to secure deposits of public moneys.

6. *Taxation.* Income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

III. *Purchase of notes—1. Official agencies.* In addition to the Treasury Department, the Federal Reserve Banks and their Branches are hereby designated agencies for the issue and redemption of Treasury Savings Notes, Series C. The Secretary of the Treasury, from time to time, in his discretion, may designate other agencies for the issue of the notes, or for accepting applications therefor, or for making payments on account of the redemption thereof.

2. *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches, and by the Treasurer of the United States, Washington, D. C. Banking institutions and security dealers generally may submit applications for account of customers, but only the Federal Reserve Banks and their Branches and the Treasury Department are authorized to act as official agencies. The use of an official application form is desirable but not necessary. Appropriate forms may be obtained on application to any Federal Reserve Bank or Branch, or the Treasurer of the United States, Washington, D. C. Every application must be accompanied by payment in full, at par. Any form of exchange, including personal checks, will be accepted subject to collection, and should be drawn to the

order of the Federal Reserve Bank or of the Treasurer of the United States, as payee, as the case may be. The date funds are made available on collection of exchange will govern the issue date of the notes. Any depositary, qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised, as amended, will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

3. *Reservations.* The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued hereunder any notes in any case or in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor will be refunded.

4. *Delivery of notes.* Upon acceptance of full-paid applications, notes will be duly inscribed and, unless delivered in person, will be delivered, at the risk and expense of the United States at the address given by the purchaser, by mail, but only within the United States, its territories and insular possessions and the Canal Zone. No deliveries elsewhere will be made.

IV. *Presentation in payment of taxes.* 1. During and after the second calendar month after the month of purchase (as shown by the issue date on each note) during such time, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, notes issued hereunder in the name of a taxpayer (individual, corporation, or other entity) may be presented and surrendered by such taxpayer, his agent, or his estate, to the Collector of Internal Revenue to whom the tax return is made, and will be receivable by the Collector at par and accrued interest from the month of issue to the month, inclusive (but no accrual beyond maturity) in which presented, in payment of any Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes) or any Federal estate or gift taxes (current and back), assessed against the inscribed owner or his estate. The notes must be forwarded to the Collector at the risk and expense of the owner, and, for the owner's protection, should be forwarded by registered mail, if not presented in person.

V. *Cash Redemption at or Prior to Maturity—1. General.* (a) Any Treasury Savings Note of Series C not presented in payment of taxes, will be paid at maturity, or, at the option and request of the owner and without advance notice, will be redeemed before maturity, but the notes may be redeemed before maturity only during and after the sixth calendar month after the month of issue (as shown on the face of each note) (b) Payment at maturity or on redemption before maturity will be made at par and accrued interest to the month of payment, except, if a note is inscribed in the name of a bank that accepts

demand deposits, payment at maturity or on redemption before maturity will be made only at the issue price, or par, of the note. However, if a note is acquired by any such bank through forfeiture of a loan, payment will be made at the redemption value for the month in which so acquired.

2. Execution of request for payment. The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, established his identity, and in the presence of such officer sign the request for payment appearing on the back of the note, adding the address to which check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use.

3. Officers authorized to witness and certify requests for payment. All officers authorized to witness and certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 530, Fifth Revision, as amended, are hereby authorized to witness and certify requests for cash redemption of Treasury notes issued under this circular. Such officers include, among others, United States postmasters, certain other post office officials, officers of all bank and trust companies incorporated in the United States or its organized territories, including officers at branches thereof, and commissioned officers of the Army, Navy, Marine Corps and Coast Guard.

4. Presentation and surrender. Notes bearing properly executed requests for payment must be presented and surrendered to the agent that issued the notes (as shown by the agent's dating stamp) at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

5. Partial redemption. Partial cash redemption of a note, corresponding to an authorized denomination, may be made in the same manner as for full cash redemption, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued in the same name and with the same date of issue as the note surrendered.

6. Payment. Payment of any note, either at maturity or on redemption before maturity, will be made only by the Federal Reserve Bank or Branch or the Treasury Department, as the case may be, that issued the note, and will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment.

VI. Payment or reissue to other than inscribed owner—1. Death or disability. In case of the death or disability of an individual owner and the notes are not to be presented in payment of taxes, payment will be made to the duly constituted representative of his estate, or they may be reissued to one or more of his heirs or legatees upon satisfactory proof of their right; but no reissue will be made in two names jointly or as co-owners.

2. Dissolution or merger of corporations, etc. If a corporation or unincorporated body, in whose name notes are inscribed, is dissolved, consolidated, merged or otherwise changes its organization, the notes may be paid to, or reissued in the name of those persons or organizations lawfully entitled to the assets of such corporation or body by reason of such changes in organization.

3. Bankruptcy. If an inscribed owner of notes is declared bankrupt or insolvent, payment, but not reissue, will be made to the duly qualified trustee, receiver or similar representative if the notes are submitted with satisfactory proof of his appointment and qualification.

4. Creditors' rights. Payment, but not reissue, will be made as a result of ju-

dicial proceedings in a court of competent jurisdiction, if the notes are submitted with proper proof of such proceedings and their finality.

5. Instructions and information. Before executing the request for payment or submitting the notes under the provisions of this Section, instructions should be obtained from the issuing agent or from the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

VII. General Provisions—1. Regulations. Except as provided in this circular, the notes issued hereunder will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States; the regulations currently in force are contained in Department Circular No. 300, as amended.

2. Loss, theft or destruction. In case of the loss, theft or destruction of a savings note, immediate notice (which should include a full description of the note) should be given the agency which issued the note and instructions should be requested as to the procedure necessary to secure a duplicate.

3. Fiscal agents. Federal Reserve Banks and their Branches, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this circular, and under any instructions given by the Secretary of the Treasury.

4. Amendments. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks,

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

TREASURY SAVINGS NOTES, SERIES C

TABLE OF TAX-PAYMENT OR REDEMPTION VALUES AND INVESTMENT YIELDS

The table below shows for each month from date of issue to date of maturity the amount of interest accrual; the principal amount with accrued interest added, for notes of each denomination; the approximate investment yield on the par amount from issue date to the beginning of each month following the month of issue; and the approximate investment yield on the current redemption value from the beginning of the month indicated to the month of maturity.

Par value (Issue price during month of issue).....	\$100	\$500	\$1,000	\$5,000	\$10,000	\$100,000	\$500,000	\$1,000,000	Approximate investment yield on par amount from issue date to beginning of each monthly period thereafter	Approximate investment yield on current tax-payment or redemption values from beginning of each monthly period to maturity
Amount of interest accrual each month after month of issue	Tax-payment or redemption values during each monthly period after month of issue									
Interest accrues at rate of \$0.50 per month per \$1,000 par amount:									Percent	Percent
1st month.....	\$100.05	\$500.25	\$1,000.50	\$5,002.50	\$10,005	\$100,050	\$500,250	\$1,000,500	0.60	1.07
2d month.....	100.10	500.50	1,001.00	5,005.00	10,010	100,100	500,500	1,001,000	.60	1.09
3d month.....	100.15	500.75	1,001.50	5,007.50	10,015	100,150	500,750	1,001,500	.60	1.11
4th month.....	100.20	501.00	1,002.00	5,010.00	10,020	100,200	501,000	1,002,000	.60	1.12
5th month.....	100.25	501.25	1,002.50	5,012.50	10,025	100,250	501,250	1,002,500	.60	1.14
6th month.....	100.30	501.50	1,003.00	5,015.00	10,030	100,300	501,500	1,003,000	.60	1.16
Interest accrues at rate of \$0.80 per month per \$1,000 par amount:										
7th month.....	100.38	501.80	1,003.80	5,019.00	10,038	100,380	501,800	1,003,800	.65	1.17
8th month.....	100.46	502.30	1,004.60	5,023.00	10,046	100,460	502,300	1,004,600	.69	1.17
9th month.....	100.54	502.70	1,005.40	5,027.00	10,054	100,540	502,700	1,005,400	.72	1.18
10th month.....	100.62	503.10	1,006.20	5,031.00	10,062	100,620	503,100	1,006,200	.74	1.19
11th month.....	100.70	503.50	1,007.00	5,035.00	10,070	100,700	503,500	1,007,000	.76	1.20
12th month.....	100.78	503.90	1,007.80	5,039.00	10,078	100,780	503,900	1,007,800	.78	1.21

¹ Not acceptable in payment of taxes until during and after the second calendar month after the month of issue, and not redeemable for cash until during and after the sixth calendar month after the month of issue.

² Approximate investment yield for entire period from issuance to maturity.

TREASURY SAVINGS NOTES, SERIES C—Continued
TABLE OF TAX-PAYMENT OR REDEMPTION VALUES AND INVESTMENT YIELDS—continued

Par value (issue price during month of issue)	\$100	\$500	\$1,000	\$5,000	\$10,000	\$50,000	\$100,000	\$500,000	\$1,000,000	Approximate investment yield on par amount from issue date to beginning of each monthly period thereafter	Approximate investment yield on current tax-payment or redemption values from beginning of each monthly period to maturity
Amount of interest accrual each month after month of issue	Tax-payment or redemption values during each monthly period after month of issue*									Percent	Percent
Interest accrues at rate of \$0.50 per month per \$1,000 par amount:											
13th month	\$100.87	\$504.35	\$1,003.70	\$5,043.70	\$10,087	\$50,437	\$100,870	\$504,370	\$1,003,700	.80	1.22
14th month	100.89	504.80	1,003.69	5,043.69	10,090	50,439	100,890	504,390	1,003,690	.82	1.22
15th month	101.05	505.25	1,010.70	5,052.70	10,105	50,470	101,050	505,250	1,010,700	.84	1.22
16th month	101.14	505.70	1,011.40	5,057.00	10,114	50,470	101,140	505,700	1,011,400	.85	1.24
17th month	101.23	505.15	1,012.30	5,061.70	10,123	50,470	101,230	505,150	1,012,300	.86	1.25
18th month	101.32	506.60	1,013.20	5,066.00	10,132	50,470	101,320	506,600	1,013,200	.88	1.25
Interest accrues at rate of \$1.00 per month per \$1,000 par amount:											
19th month	101.42	507.10	1,014.20	5,071.00	10,142	50,470	101,420	507,100	1,014,200	.89	1.25
20th month	101.52	507.60	1,015.20	5,076.00	10,152	50,470	101,520	507,600	1,015,200	.91	1.25
21st month	101.62	508.10	1,016.20	5,081.00	10,162	50,470	101,620	508,100	1,016,200	.92	1.27
22nd month	101.72	508.60	1,017.20	5,086.00	10,172	50,470	101,720	508,600	1,017,200	.93	1.28
23rd month	101.82	509.10	1,018.20	5,091.00	10,182	50,470	101,820	509,100	1,018,200	.94	1.28
24th month	101.92	509.60	1,019.20	5,096.00	10,192	50,470	101,920	509,600	1,019,200	.95	1.29
Interest accrues at rate of \$1.10 per month per \$1,000 par amount:											
25th month	102.03	510.15	1,020.30	5,101.50	10,203	50,470	102,030	510,150	1,020,300	.97	1.29
26th month	102.14	510.70	1,021.40	5,107.00	10,214	50,470	102,140	510,700	1,021,400	.98	1.29
27th month	102.25	511.25	1,022.50	5,112.50	10,225	50,470	102,250	511,250	1,022,500	.99	1.29
28th month	102.35	511.80	1,023.50	5,118.00	10,235	50,470	102,350	511,800	1,023,500	1.00	1.29
29th month	102.47	512.35	1,024.70	5,123.70	10,247	50,470	102,470	512,350	1,024,700	1.01	1.29
30th month	102.58	512.90	1,025.80	5,129.00	10,258	50,470	102,580	512,900	1,025,800	1.02	1.29
31st month	102.69	513.45	1,026.90	5,134.50	10,269	50,470	102,690	513,450	1,026,900	1.03	1.29
32d month	102.80	514.00	1,028.00	5,140.00	10,280	50,470	102,800	514,000	1,028,000	1.04	1.29
33d month	102.91	514.55	1,029.10	5,145.50	10,291	50,470	102,910	514,550	1,029,100	1.05	1.29
34th month	103.02	515.10	1,030.20	5,151.00	10,302	50,470	103,020	515,100	1,030,200	1.05	1.29
35th month	103.13	515.65	1,031.30	5,156.50	10,313	50,470	103,130	515,650	1,031,300	1.06	1.29
36th month (maturity)	103.24	516.20	1,032.40	5,162.00	10,324	50,470	103,240	516,200	1,032,400	1.07	1.29

[F. R. Doc. 43-18812; Filed, November 23, 1943; 11:47 a. m.]

[1943 Dept. Circ. 727]

**CERTIFICATES OF INDEBTEDNESS,
— SERIES G-1944**

OFFERING OF CERTIFICATES

NOVEMBER 22, 1943.

$\frac{7}{8}$ Percent Treasury certificates of indebtedness of Series G-1944, dated and bearing interest from December 1, 1943, due December 1, 1944.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated $\frac{7}{8}$ percent Treasury Certificates of Indebtedness of Series G-1944, in exchange for Treasury Certificates of Indebtedness of Series E-1943, maturing December 1, 1943.

II. Description of Certificates. 1. The certificates will be dated December 1, 1943, and will bear interest from that date at the rate of $\frac{7}{8}$ percent per annum, payable semiannually on June 1 and December 1, 1944. They will mature December 1, 1944, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be

exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and Allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take

in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for certificates allotted hereunder must be made on or before December 1, 1943, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E-1943, maturing December 1, 1943, which will be accepted at par, and should accompany the subscription.

V. General Provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-18850; Filed, November 23, 1943; 5:00 p. m.]

DEPARTMENT OF THE INTERIOR,

Bureau of Reclamation.

PARKER DAM POWER PROJECT

RECOMMENDATIONS OF WAGE BOARD TO THE
SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 2, 1942, and entitled "Wage Fixing Procedures, Parker Dam Power Project," the Parker Dam Power Project Wage Board has determined prevailing wage rates for operation, and maintenance employees on the Parker Dam Power Project. Extensive wage rate investigations have been made by the board.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of Parker Dam and recommends them for your adoption:

Labor classification	Recommended basic hourly rate for B/R employees
Automotive mechanic, maintenance	\$1.18
Automotive mechanic helper, maintenance	.95
Carpenter, maintenance	1.25
Electrician, maintenance, 1st class	1.37
Electrician, maintenance, 2d class	1.25
Electrician, maintenance, helper	1.00
Laborer, maintenance	.60
Line patrolman, 1st class	1.37
Line patrolman, 2d class	1.25
Line patrolman, 3d class	1.18
Line patrolman helper	.80
Machinist, maintenance	1.30
Machinist foreman, maintenance	1.37
Machinist helper, maintenance	1.01
Operator, powerhouse	1.27
Operator, powerhouse, junior	1.08
Operator, powerhouse, senior	1.37
Operator, powerhouse, under	.87
Painter, maintenance	1.25
Truck driver (heavy duty)	1.01

¹ Includes foreman, electrician, maintenance.

It is the understanding of the Wage Board that the Parker Dam Power Project employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week act (Sec. 23, Act of March 28, 1934, 48 Stat., 522)

The Wage Board recommends that all employees of the Parker Dam Power Project, assigned to operation and maintenance of the project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on October 1, 1943. The board further recommends that all operation and maintenance positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Parker Dam

Power Project Wage Board this 26th day of October 1943.

GUY W. NUMBERS,
Chairman.
CHARLES A. BISSELL,
Member
S. A. McWILLIAMS,
Member

Approved: October 29, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-18787; Filed, November 23, 1943;
10:17 a. m.]

SCOFIELD PROJECT, UTAH

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior" the Bureau of Reclamation Wage Board has determined prevailing wage rates for construction employees of the Bureau of Reclamation on the Scofield Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Scofield Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Air compressor operator	\$1.25	\$1.25
Blacksmith	1.25	1.25
Carpenter	1.25	1.25
Construction laborer	.75	.75
Core drill operator	1.25	1.25
Core drill operator's helper	.75	.75
Dragline oiler	1.00	1.00
Dragline operator	1.65	1.65
Electrician	1.50	1.50
Foreman	1.12½	1.12½
Jackhammer operator	1.00	1.00
Machinist	1.25	1.25
Machinist's helper	.95	.95
Powderman	1.12½	1.12½
Pump operator	1.12½	1.12½
Tractor driver (bulldozer, carryall or drag-type shovel with boom attachment)	1.50	1.50
Tractor driver (scraper or drag-type shovel tandem)	1.75	1.75
Truck driver, dump or flat bed under five tons	.75	.75
Truck driver, five tons and over	.90	.90

¹ Above the rate for skill supervised.

It is the understanding of the Wage Board that the Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations

and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of 40 hours in any one week. Refer to 40-hour week Act (Sec. 23, Act of March 28, 1934: 48 Stat. 522)

The Wage Board recommends that no present employee of the Bureau of Reclamation suffer any reduction in his hourly rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Scofield Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on October 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above, be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 26th day of October, 1943.

GUY W. NUMBERS,
Chairman.
ALFRED R. GOLZE,
Alternate Member

Approved: October 29, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-18788; Filed, November 23, 1943; 10:17 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 785]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 3, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation: Amount
Texas 4-3121GT2 Brazos..... \$500,000

HARRY SLATTERY,
Administrator

[F. R. Doc. 43-18833; Filed, November 23, 1943;
3:31 p. m.]

[Administrative Order 786]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 3, 1943.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Amount
 Texas 4126S1 Gregg..... \$25,000
 Texas 4127S1 Gilmer..... 25,000

HARRY SLATTERY,
 Administrator.

[F. R. Doc. 43-18834; Filed, November 23, 1943;
 3:31 p. m.]

[Administrative Order 787]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 5, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Minnesota 4059D2 Olmsted.....	\$60,000
Minnesota 4066D2 Nobles.....	40,000
Minnesota 4073C2 Pipestone.....	30,000
Minnesota 4084A2 Traverse.....	20,000
Missouri 4030E2 Lawrence.....	75,000
Ohio 4030D2 Marion.....	25,000
South Dakota 4006B2 Union.....	15,000
Texas 4111B2 Austin.....	20,000
Washington 4020D1 Columbia.....	37,000

HARRY SLATTERY,
 Administrator.

[F. R. Doc. 43-18835; Filed, November 23, 1943;
 3:31 p. m.]

[Administrative Order 788]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 5, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 4025B1 Pueblo.....	\$45,000
Minnesota 4089A4 Pine.....	25,000
North Dakota 4019D2 Grand Forks.....	45,000
South Dakota 4016A3 Grant.....	20,000
Texas 4093D1 De Witt.....	8,000

HARRY SLATTERY,
 Administrator

[F. R. Doc. 43-18836; Filed, November 23, 1943;
 3:31 p. m.]

INTERSTATE COMMERCE COMMISSION.

[No. MC-C-383]

UNITED PARCEL SERVICE OF PENNSYLVANIA,
 INC.

NOTICE OF HEARING ON PETITION FOR RELIEF

NOVEMBER 19, 1943.

United Parcel Service of Pennsylvania, Inc., petition for relief under sections 218 (a) and 220 (a) of the Interstate Commerce Act.

By the above-described petition, the petitioning motor contract carrier seeks relief from the provisions of section 218 (a) of the Interstate Commerce Act re-

No. 234—9

lating to the filing of schedules of minimum rates and charges, and from the requirements of the orders in "Filing of Contracts of Contract Carriers," 2 M. C. C. 55 and 41 M. C. C. 527, entered pursuant to section 220 (a) of the act.

The petition is hereby assigned for hearing before Examiner P. R. Naefe at the offices of the Interstate Commerce Commission, Washington, D. C., at 9:30 a. m., on the 17th day of December, 1943.

Public notice of the pendency of the petition and of the hearing thereof is hereby given by depositing a copy of this notice in the office of the Secretary of the Commission, and by filing it with the Director, Division of Federal Register.

By the Commission.

[SEAL]

W. P. BARTEL,
 Secretary.

[F. R. Doc. 43-18860; Filed, November 24, 1943;
 11:27 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[ODT 20A, Supp. Order 44]

TAXICAB OPERATORS, KANSAS CITY, KANS.,
 AREA

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231) a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Kansas City, Kansas, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such

¹ Filed as part of the original document.

operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Kansas City, Missouri, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-42" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Kansas City, Missouri.

8. This order shall become effective December 7th, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
 Director,

Office of Defense Transportation.

APPENDIX 1

Victory Cab Co., Kansas City, Kansas.
 O. K. Cab, Kansas City, Kansas.
 Greyhound Cab Co., Kansas City, Kansas.
 Kansas Yellow Cab Co., Kansas City, Kansas.
 Wyandott Cab, Kansas City, Kansas.

[F. R. Doc. 43-18830; Filed, November 23, 1943;
 12:05 p. m.]

[Rev. ODT 3, Supp. Order 104]

COMMON CARRIERS, POINTS IN BUFFALO,
 N. Y.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the pro-

visions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-104," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

—Office of Defense Transportation.

APPENDIX 1—CARRIERS PARTIES TO THE PLAN

1. Roy Newell and Karl Newell, doing business as Newell Trucking Company, Dunkirk, New York.

2. Lapp Express Co., Inc., Medina, New York.

3. Walsh Motor Express, Inc., Warsaw, New York.

4. Alford Haner, doing business as Haner Transfer, Wilson, New York.

5. Joseph Henry Wittmeyer, doing business as Wittmeyer's Hamburg Delivery, Hamburg, New York.

6. Lawrence D. Ingersoll, Leland L. Ingersoll and Robert Ingersoll, doing business as Ingersoll Delivery, South Dayton, New York.

7. James Mancuso, doing business as Empire State Motor Express, LeRoy, New York.

8. Ellsworth Kendall, doing business as Kendall Express, Akron, New York.

9. William Lang, doing business as Buffalo & Ellicottville Delivery, Ellicottville, New York.

10. Paul Gentile, doing business as Long's Angola Delivery, Angola, New York.

11. Batavia Motor Lines, Inc., Batavia, New York.

12. Earl Wittmeyer, et al., doing business as Wittmeyer Trucking Co., East Aurora, New York.

13. William Urquhart, Lancaster, New York.

14. Clarence Bixler, doing business as Bixler Brothers, Lockport, New York.

15. Nason's Delivery, Inc., Springville, New York.

[F. R. Doc. 43-18819; Filed, November 23, 1943; 12:04 p. m.]

[Rev. ODT 3, Supp. Order 105]

COMMON CARRIERS, POINTS IN ZANESVILLE,
OHIO

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The White Transportation Company of Zanesville, Ohio, and Suburban Motor Freight, Inc., and Hill Motor Freight, both of Columbus, Ohio, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582)

a copy of which plan is attached hereto as Appendix 1¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements

¹ Filed as part of the original document.

made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-105," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23rd day of November 1943.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

[F. R. Doc. 43-18820; Filed, November 23, 1943;
12:04 p. m.]

[Rev. ODT 3, Supp. Order 106]

COMMON CARRIERS, POINTS IN MARYLAND,
PENNSYLVANIA, NEW JERSEY, NEW YORK,
AND WASHINGTON, D. C.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Zentz Motor Lines, Inc., and Branch Motor Express Company, a corporation, both of Baltimore, Maryland, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies

for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-106" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18821; Filed, November 23, 1943;
12:05 p. m.]

[Rev. ODT 3, Supp. Order 107]

COMMON CARRIERS, POINTS IN MARYLAND,
VIRGINIA, AND WASHINGTON, D. C.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by Brooks Transportation Co., Inc., The Baltimore Transfer Company of Baltimore City, a corporation, Overnight Motor Transportation Company, Inc., East Coast Freight Lines, a corporation, and Atlantic Coast Freight Lines, Inc., a corporation, all of Baltimore, Maryland, and P. L. Snowden, doing business as Snowden Brothers Transfer, Washington, D. C., to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the car-

¹Filed as part of the original document.

rier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-107," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18822; Filed, November 23, 1943;
12:05 p. m.]

[Rev. ODT 3, Supp. Order 108]

COMMON CARRIERS, POINTS IN MARYLAND,
PENNSYLVANIA, NEW JERSEY, NEW YORK,
AND WASHINGTON, D. C.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Baltimore-New York Express, Inc., Baltimore, Maryland, The Baltimore Transfer Company of Baltimore City, a corporation, Baltimore, Maryland, Victor Lynn Lines, Inc., Baltimore, Maryland, and Union Transfer Affiliated Company a corporation, Baltimore, Maryland, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede

¹ Filed as part of the original document.

any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-108," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-18823; Filed, November 23, 1943;
12:05 p. m.]

[Rev. ODT 3, Supp. Order 109]

COMMON CARRIERS, POINTS IN MARYLAND,
PENNSYLVANIA, NEW JERSEY, NEW YORK,
AND WASHINGTON, D. C.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by F. J. Modrak, doing business as Modrak Transportation Company, Baltimore, Maryland, Service Transportation Company, a corporation, Secaucus, New Jersey, Garford Trucking Inc., South River, New Jersey, and Preston Trucking Company, Inc., Preston, Maryland, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require

any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-109" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18824; Filed, November 23, 1943;
12:05 p. m.]

[Rev. ODT 3, Supp. Order 110]

COMMON CARRIERS, HUGO—BROKEN BOW,
OKLA.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by North East Texas Motor Lines, Inc., Paris, Texas, and Arkansas Motor Freight Lines, Inc., Fort Smith, Arkansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment,

¹ Filed as part of the original document.

and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary

Order ODT 3, Revised-110" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18825; Filed, November 23, 1943;
12:06 p. m.]

[Rev. ODT 3, Supp. Order 111]

COMMON CARRIERS, POINTS IN INDIANA

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by E. E. Mills Trucking Co., Inc. (a corporation) South Bend, Indiana, and The Silver Fleet Motor Express, Inc., (Indiana corporation), Louisville, Kentucky, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant

to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-111," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18826; Filed, November 23, 1943;
12:06 p. m.]

[Rev. ODT 3, Supp. Order 112]

COMMON CARRIERS, POINTS IN ARKANSAS
COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Mercury Motors, Incorporated, Fort Smith, Arkansas, Ralph England, doing business as England Bros. Truck Line, Fort Smith, Arkansas, and Frank Fox, doing business as Fox Transfer, Paris, Arkansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Re-

vised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited rep-

¹ Filed as part of the original document.

representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-112," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18827; Filed, November 23, 1943;
12:06 p. m.]

[Rev. ODT 3, Supp. Order 113]

COMMON CARRIERS, WICHITA—OTTAWA,
KANS.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Benjamin Cain, doing business as Cain's Truck Line, Oklahoma City, Oklahoma, and The Santa Fe Trail Transportation Company, Wichita, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order

and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carrier to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-113," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-18823; Filed, November 23, 1943;
12:06 p. m.]

[Rev. ODT 3, Supp. Order 114]

COMMON CARRIERS, KANSAS CITY, MO.—
WICHITA, KANS.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by The Santa Fe Trail Transportation Company, Wichita, Kansas, and The Cassell Transfer & Storage Company (a corporation) Wichita, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed

¹ Filed as part of the original document.

pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-114," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 27, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of November 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-18823; Filed, November 23, 1943;
12:06 p. m.]

[Rev. ODT 3, Supp. Order 115]

COMMON CARRIERS, POINTS IN WEST
VIRGINIA

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by B. C. Litman, doing business as Litman Motor Freight, Parkersburg, West Virginia, and Germann Brothers Motor Transportation, Inc., Ripley, Ohio, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges,

operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing, interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-115" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 29, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of November 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-18858; Filed, November 24, 1943;
11:10 a. m.]

[Rev. ODT 3, Supp. Order 116]
COMMON CARRIERS, POINTS IN OHIO
COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Commercial Motor Freight, Inc., Columbus, Ohio, Paul Corbett, doing business as Corbett Motor Express, Zanesville, Ohio, C. D. Moore, Zanesville, Ohio, R. F. Pemberton, doing business as Roseville Motor Express and Crooksville Transfer, Roseville, Ohio, and Edwin F. Carey and Raymond B. Pence, doing business as Twin Valley Motor Freight, Zanesville, Ohio, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that com-

¹ Filed as part of the original document.

pliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 116," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 29, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-18859; Filed, November 24, 1943;
11:11 a. m.]

SALINA, KANS., GROCERS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750), N. C. Grant and 16 other retail grocers of Salina, Kansas, named in Appendix 1 hereof have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of groceries by motor vehicle in Salina.

The participants plan to deliver food products only on Tuesdays and Fridays and anticipate that adoption of the plan, involving 31 vehicles, will result in a substantial saving of mileage and gasoline.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. L. 357) that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

APPENDIX 1

1. Grant's Market, N. C. Grant, Owner.
2. Home Grocery, Oscar H. Benz, Owner.
3. Lindeman's Market, L. H. Lindeman, Partner.
4. Sanitary Market, C. Kimmenhost, Owner.
5. J. C. Price Grocery, Lloyd W. Price, Owner.
6. Austin Food Market, L. O. Austin, Owner.
7. Kelly's Grocery, Robert Kelly, Owner.
8. Waylan Grocery, Esther Waylan, Owner.
9. Benz Grocery, Gus Benz, Owner.
10. Golden Belt Grocery, Kenneth Matson, Owner.
11. Drive-In Market, Frank Widler, Owner.
12. W. L. Austin Grocery, W. L. Austin, Owner.
13. Economy Grocery, Norval Sledd, Owner.
14. Ideal Grocery, W. Nesmith, Owner.
15. Paugh's Food Store, Otto Paugh, Owner.
16. Bungalow Grocery, T. A. Witham, Owner.
17. Young's Market, Alvin Young, Owner.

[F. R. Doc. 43-18868; Filed, November 24, 1943; 11:38 a. m.]

DETROIT, MICH., MOTION PICTURE FILM DISTRIBUTORS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750) G. E. LeVeque and M. R. LeVeque, doing business as Cinema Service, and K. C. Craven, doing business as Exhibitors Service, both of Detroit, Michigan, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of motion picture film in the metropolitan area of Detroit.

The participants plan to discontinue delivery and collection of motion picture films in the metropolitan area of Detroit on Mondays and Thursdays, except that deliveries, not exceeding a total of 25 miles a week, will be made on those days in the "loop" section of the city. Not

more than one delivery and one collection of film for a single show will be made. The plan was developed as a result of meetings of affected exhibitors, booking agents, and film delivery companies and the participants have no knowledge of any objection to the plan. It is estimated that effectuation of the plan will result in a saving of 32,235 truck miles annually.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. L. 357) that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 23d day of October 1943.

C. D. Young,
Deputy Director
Office of Defense Transportation.

[F. R. Doc. 43-18862; Filed, November 24, 1943; 11:36 a. m.]

LAWRENCE, KANS., GROCERS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750) West End Market and 11 other retail groceries of Lawrence, Kansas, named in Appendix 1 hereof have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of groceries by motor vehicle in Lawrence.

The participants plan to deliver food products only on Tuesdays and Fridays, and anticipate that adoption of the plan, involving 22 vehicles, will result in a substantial saving of mileage and gasoline.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. L. 357) that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance

with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 23d day of October 1943.

C. D. Young,
Deputy Director
Office of Defense Transportation.

APPENDIX 1

1. West End Market.
2. Arnold Market.
3. Sommer's Grocery.
4. Service Grocery.
5. Roy Lawrence Market.
6. Holloway and Phillips.
7. Corner Grocery.
8. Kieck's Grocery.
9. Stout & Woolf.
10. Landrith's Finer Foods.
11. 9th Street Market.
12. George Beal.

[F. R. Doc. 43-18861; Filed, November 24, 1943; 11:36 a. m.]

DAIRY PRODUCTS IN NEW HAVEN, CONN.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750), New Haven Dairy Division of the General Ice Cream Corporation, and Brock-Hall Dairy Company, Inc., both of New Haven, Connecticut, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and wholesale delivery of milk and related products by motor vehicle in New Haven.

The two participants plan to save mileage, gasoline, and manpower and to eliminate "split stops" in the wholesale delivery of milk and related products in New Haven by exchanging customers. Each participant will discontinue deliveries to 9 specified customers and will transfer such customers to the other participant, who is presently also serving such customers. The transferring participant will refrain from soliciting business from any customer so transferred. The consent of customers affected will be obtained before the business is exchanged by the participants. Under the plan the customers will receive the same quantity and quality of product as was received by them prior to effectuation of the plan.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. L. 357), that doing of any act or

thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18869; Filed, November 24, 1943;
11:38 a. m.]

[ODT 6A, Supp. Order 3]

COMMON CARRIERS, CINCINNATI, OHIO, AREA
COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Cincinnati Transfer Company and Henry J. Stueve, doing business as John B. Stueve and Son, to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling or other act.

¹ Filed as part of the original document.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-3" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

[F. R. Doc. 43-18865; Filed, November 24, 1943;
11:37 a. m.]

[ODT 6A, Supp. Order 4]

COMMON CARRIERS, CINCINNATI AND NORWOOD, OHIO

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and sup-

plies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrange-

ments made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-4" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

APPENDIX 1

1. J. Sturwald, Proprietor, Wm. J. McDevitt Trucking Company, 141 E. Third Street, Cincinnati, Ohio.

2. Frank Whelan, Whelan's Express, 137 E. Third Street, Cincinnati, Ohio.

3. Edward Beyer, Secretary, Meinch Drayage Co., 44 Vine Street, Cincinnati, Ohio.

4. F. J. Plageman, President, H. Plageman Drayage Co., 110 E. Second Street, Cincinnati, Ohio.

[F. R. Doc. 43-18867; Filed, November 24, 1943; 11:38 a. m.]

[ODT 6A, Supp. Order 5]

COMMON CARRIERS, SPRINGFIELD, MO.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any

¹Filed as part of the original document.

changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-5" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

APPENDIX 1

1. Frisco Transportation Company (a corporation), Room 110, Frisco Building, Springfield, Missouri.

2. Campbell 68 Express, Inc. (a corporation), 501 West Phelps, Springfield, Missouri.

3. Powell Bros. Truck Lines, Inc. (a corporation), Bolivar Road and High Street, Springfield, Missouri.

4. Harvey Jones (an individual), doing business as Jones Truck Line, 401 West Olive, Springfield, Missouri.

5. W. N. Farley (an individual), doing business as Express Service, 401 West Olive, Springfield, Missouri.

6. Yellow Transit Company (a corporation), Route 4, Springfield, Missouri.

7. L. A. Fallin (an individual), doing business as Fallin Truck Terminal, 323 West Olive, Springfield, Missouri.

8. Railway Express Agency, Incorporated (a corporation), 316 East Pershing, Springfield, Missouri.

9. W. E. Smith and Lee E. Smith, doing business as Smith Truck Lines, 323 West Olive, Springfield, Missouri.

10. R. R. Sparks (an individual), doing business as Sparks Truck Line, 323 West Olive, Springfield, Missouri.

11. Finkbliner Transfer & Storage Co. (a corporation), 513 West Olive, Springfield, Missouri.

12. Springfield Warehouse & Transfer Company (a corporation), 425 East Olive, Springfield, Missouri.

13. Whitehead Transfer and Storage Co., 665 East Pine St., Springfield, Missouri.

14. General Warehouse Company, 601 North National, Springfield, Missouri.

15. Ava Truck Service, 323 West Elm, Springfield, Missouri.

16. Adams Transfer & Storage Company, 401 West Olive, Springfield, Missouri.

17. Jack Lander (an individual), doing business as Ozark Transfer Company, 323 West Olive, Springfield, Missouri.

[F. R. Doc. 43-18866; Filed, November 24, 1943; 11:37 a. m.]

[ODT 6A, Supp. Order 6]

MOTOR CARRIERS

COORDINATED OPERATIONS IN METROPOLITAN NEW YORK

Coordinated operations within New York, Bronx, Westchester, Kings, Queens, Nassau, Suffolk, and Richmond Counties.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs, or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-6" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 25, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly

proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of October 1943.

JOSEPH B. EASTMAN,
Director

Office of Defense Transportation.

APPENDIX 1

1. Arthur Holschub, Julius Broggelwirth, Paul Haas, and Paul Voelker (a co-partnership), doing business as Arthur's Express Company, 61-26 Fresh Pond Road, Maspeth, N. Y.

2. Henry Jacobs (an individual), doing business as Jay Transfer Company, 408 Greenwich St., New York City, N. Y.

3. Rae Skoblow and Jack Skoblow (a co-partnership), doing business as Arjay Trucking Company, 154 Perry Street, New York City, N. Y.

[F. R. Doc. 43-18864; Filed, November 24, 1943; 11:37 a. m.]

[ODT 6A, Supp. Order 9]

COMMON CARRIERS, CITY OF CARTHAGE, MO. COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of serv-

¹ Filed as part of the original document.

ice by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-9" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of October 1943.

C. D. Young,
Deputy Director
Office of Defense Transportation.

APPENDIX 1

1. Frisco Transportation Company (a corporation), Carthage, Missouri.

2. Campbell "66" Express, Inc. (a corporation), 115 East Mound Street, Carthage, Missouri.

3. Powell Bros. Truck Lines, Inc. (a corporation), Carthage, Missouri.

4. Railway Express Agency, Incorporated (a corporation), Carthage, Missouri.

5. Tri-State Motor Transport, Inc. (a corporation), Carthage, Missouri.

[F. R. Doc. 43-18863; Filed, November 24, 1943; 11:36 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under MPR 170]

ANTI-FREEZE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with §1412.13 (j) of Maximum Price Regulation No. 170, it is hereby ordered:

(a) *Maximum prices for sales of anti-freeze consisting of 15 parts glycerine and 85 parts methanol*—(1) *Sales by Boeing Airplane Company, Wichita Division.*

Drums (drums included)----- \$0.70 per gallon delivered

(2) *Sales by any person to retailers.*

Drums (drums included)----- \$0.87 per gallon delivered

In the case of sales to retailers by sellers other than Boeing Airplane Company, transportation costs in excess of 5 cents per gallon may be charged to the buyer's account. Any such charges shall be separately stated on an invoice which shall be furnished the buyer prior to payment by him.

(3) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six-month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

In quantities of one gallon or more----- \$1.40 per gallon
In quantities of less than one gallon----- .35 per quart

(b) *Containers.* The maximum prices established by this order shall not be increased by any charges for drums. The seller may require the return of drums, but in such case the maximum price for the contents of a drum shall be the price computed at the maximum prices specifically set forth in this order less \$1.00. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of drums shall, in all cases, be borne by the seller.

(c) *Marking and posting*—(1) *By D. A. Winters Tire Company.* The D. A. Winters Tire Company shall clearly and conspicuously mark on the outside of each drum of anti-freeze consisting of 15 parts glycerine and 85 parts methanol sold by it, or on a label securely affixed to each such drum the following information:

(i) The statement "A mixture of 15 parts-glycerine and 85 parts methanol."

(ii) The applicable maximum retail price designated as follows: "OPA Retail Ceiling Price, \$1.40 per gallon or \$.35 per quart."

(2) *By retailers.* Every person selling anti-freeze subject to this order shall post the maximum price and the brand in a manner plainly visible to and understandable by the purchasing public.

This order shall become effective November 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9323, 8 F.R. 4681.)

Issued this 23d day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18837; Filed, November 23, 1943; 4:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-798, 70-799]

PUBLIC SERVICE CO. OF COLORADO, ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November 1943.

In the matter of Public Service Company of Colorado, Cities Service Power & Light Company, File No. 70-798; Cities Service Power & Light Company, File No. 70-799.

Cities Service Power & Light Company, a registered holding company, and Public Service Company of Colorado, a public utility company and a subsidiary company of Cities Service Power & Light Company, having filed a joint declaration and application and amendments thereto (File No. 70-798) pursuant to the Public Utility Holding Company Act of 1935, and said declaration and application as amended proposing the following transactions:

1. Cities Service Power & Light Company will surrender to Public Service Company of Colorado for cancellation and retirement, at no cost to Public Service Company of Colorado, 95,135 shares of the common stock of Public Service Company of Colorado now owned by Cities Service Power & Light Company.

2. Public Service Company of Colorado will acquire from Cities Service Power & Light Company and cancel and retire said 95,135 shares of its common stock, reducing its capital stock liability in the amount of \$9,513,500, and will credit said amount of \$9,513,500 to a reserve for plant account adjustments;

3. Public Service Company of Colorado will increase its reserve for plant account adjustments to \$12,000,000 as of August 31, 1943, by transferring to that reserve from earned surplus the sum of \$2,486,500, and will transfer annually to the reserve for plant adjustments additional sums of \$500,000 per annum from August 31, 1943, so long as any of its debentures remain outstanding;

4. Public Service Company of Colorado will include in operating expenses per books beginning January 1, 1944, an aggregate amount for maintenance and repairs to and as provision for reserves for renewals and replacements of the company's electric, gas and steam properties equivalent to the sum of 15% of gross electric operating revenues and 10% of gross gas and steam operating revenues (as defined in the Mortgage securing the outstanding First Mortgage

Bonds of Public Service Company of Colorado) derived from said properties, less certain optional credits provided by said Mortgage, subject to modification by any regulatory authority having jurisdiction over Public Service Company of Colorado, limiting or reducing the amount which Public Service Company of Colorado may charge against operating revenues as a provision for reserves for renewals and replacements;

5. Public Service Company of Colorado will amend its Certificate of Incorporation to provide that its authorized common stock, now consisting of 250,000 shares of the par value of \$100 each, shall thereafter consist of 1,250,000 shares of the par value of \$20 each, each share to have one vote, to reduce its Board of Directors from 21 to 17 members, to eliminate the authorization presently contained in the Certificate of Incorporation for the issuance of 5½% Cumulative First Preferred Stock, and to provide that whenever dividends payable on the outstanding Cumulative First Preferred Stock shall be accumulated and unpaid in an amount equivalent to 12 monthly dividends, the holders of such stock shall be entitled thereafter and until, but only until, all such accumulated and unpaid dividends shall have been eliminated, (a) voting for such purpose as a single class, at each succeeding annual meeting of stockholders, to elect the smallest number of directors necessary to constitute a majority, the remaining directors to be elected as usual by the holders of the common stock, and (b) to vote on all questions other than for the election of directors in such manner that the holders thereof shall have 5 votes for each share of Cumulative First Preferred Stock, such rights to vote not to be cumulative: *Provided*, That if and when profits available for dividends are in excess of such accumulated and unpaid dividends, then the declaration and payment of such dividends shall not be unreasonably withheld;

6. Cities Service Power & Light Company will exchange the 40,235 shares of Cumulative First Preferred Stock of Public Service Company of Colorado which it owns for 201,175 shares of common stock of Public Service Company of Colorado, par value \$20 per share, which Public Service Company of Colorado will issue to Cities Service Power & Light Company in exchange for such preferred stock;

7. Immediately after consummation of the sale proposed in the separate filing by Cities Service Power & Light Company (File No. 70-799), the officers and directors of Cities Service Power & Light Company now serving as officers or directors, or both, of Public Service Company of Colorado and its subsidiaries will resign their positions with Public Service Company of Colorado and its subsidiaries, Public Service Company of Colorado will mail the 60-day notice of termination of its contract with Electric Advisers, Inc., provided for by said contract, and pursuant to the terms thereof Public Service Company of Colorado will sell and transfer the capital stock of Electric Advisers, Inc., owned by Public Service Company of Colorado, to the other holders of stock of Electric Advisers, Inc., and

Cities Service Power & Light Company having filed a separate declaration and application (File No. 70-799) pursuant to the act, proposing the following transactions:

1. Cities Service Power & Light Company, subject to approval by this Commission, will sell the 875,000 shares of common stock of Public Service Company of Colorado which it will own upon consummation of the transactions proposed in the joint application and declaration (File No. 70-798)

2. Cities Service Power & Light Company requests that the proposed sale be exempted from the competitive bidding requirements of Rule U-50;

3. Cities Service Power & Light Company expects to apply the proceeds from the sale of said common stock to the acquisition of some of its outstanding 5½% Debentures due 1949 and 1952, such proposed acquisitions to be the subject of a separate application to this Commission to be filed hereafter;

4. Cities Service Power & Light Company proposes to state on its books the cost to it of the common stock of Public Service Company of Colorado which it proposes to sell, to credit the net proceeds of said sale to such cost as so stated, and to reflect in surplus an appropriate profit or loss, depending upon the amount of such net proceeds; and

Public hearings having been held after appropriate notice, the Commission having considered the record in this matter to date, and having made and filed its Findings and Opinion herein, *It is hereby ordered*, That the joint application and declaration of Cities Service Power & Light Company and Public Service Company of Colorado (File No. 70-798) be and it is hereby granted and permitted to become effective forthwith, subject to the following condition:

That if the presently outstanding debentures of Public Service Company of Colorado are refunded by new debt, the excess, if any, of \$15,125,000 over the aggregate amount of credits theretofore made to the reserve for plant adjustments shall continue to be credited to such reserve, but spread ratably over the period such new debt is proposed to be outstanding unless in the meantime the amount of such plant adjustments shall have been determined by an appropriate regulatory authority and such accruals shall no longer be required;

and subject further to the terms and conditions prescribed by Rule U-24.

Further ordered, That the application of Cities Service Power & Light Company for exemption of the proposed sale by it of the common stock of Public Service Company of Colorado from the requirements of paragraphs (b) and (c) of Rule U-50 be and it is hereby granted, subject to the terms and conditions prescribed by Rule U-24.

Further ordered, That the declaration of Cities Service Power & Light Company (File No. 70-799) be and it is hereby permitted to become effective except as to the price, spread and allocation thereof, as to which matters jurisdiction is hereby reserved, and subject to the following terms and conditions:

1. That the transactions proposed in the joint application and declaration (File No. 70-798) as conditioned herein, be consummated;

2. That copies of the Findings and Opinion of this Commission herein and of the dissenting opinion herein be printed as part of the prospectus to be issued; and

3. The terms and conditions prescribed by Rule U-24.

Further ordered, That jurisdiction be and it is hereby expressly reserved also with respect to the proposed application by Cities Service Power & Light Company of the proceeds of the proposed sale, and with respect to the proposed accounting treatment, on the books of Cities Service Power & Light Company, of the proposed sale.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-18816; Filed, November 23, 1943;
2:50 p. m.]

[File No. 70-808]

— PENNSYLVANIA ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of November 1943.

Pennsylvania Electric Company, a subsidiary of a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (b) and 12 (c) thereof, said application-declaration, as amended, being concerned with the refinancing of the 5.10% Series A preferred stock of the company by means of an offer to exchange for each share of 5.10% Series A preferred stock one share of 4.40% Series B preferred stock of the company, plus \$1 in cash; and

The application-declaration being further concerned with the sale to Mellon Securities Corporation and The First Boston Corporation, underwriters, of 4.40% Series B preferred stock in the amount of 34,000 shares, less such number of shares as shall be issued on exchanges, said underwriters to purchase and to sell such shares at \$108.75 per share, plus accrued dividends, the proceeds to be used for the redemption at the redemption price of \$108.75 per share, plus accrued dividends, of any and all shares of 5.10% Series A preferred stock not exchanged; and

Said application-declaration containing a request that the Commission enter an order finding that, with respect to the proposed issuance and sale of stock, compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein; and

The Commission finding that, with respect to the proposed issuance and sale of stock, an exemption from the requirements of Rule U-50 is appropriate;

It is hereby ordered, That, pursuant to the applicable provisions of said act, the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed by Rule U-24 of the General Rules and Regulations and to the further condition that jurisdiction is hereby reserved over the accounting entries to be made on the books of Pennsylvania Electric Company.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-18817; Filed, November 23, 1943;
2:50 p. m.]

[File No. 70-816]

AMERICAN LIGHT AND TRACTION CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of November 1943.

In the matter of American Light & Traction Company, Michigan Consolidated Gas Company, American Production Company, American Michigan Pipe Line Company and Waverly Company.

Notice is hereby given that American Light & Traction Company ("Traction"), a registered holding company and a subsidiary of The United Light and Railways Company and The United Light and Power Company, also registered holding companies, and Michigan Consolidated Gas Company ("Michigan Consolidated"), American Production Company ("Production") American Michigan Pipe Line Company ("Pipe Line") and Waverly Company ("Waverly") all subsidiaries of Traction, have filed with this Commission joint applications and declarations pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-45, and U-50 promulgated thereunder, with respect to various proposed transactions, all as more particularly hereinafter described and designed to accomplish, among other things, the refunding of Michigan Consolidated's outstanding funded debt and preferred stock;

All interested persons are referred to said document, which is on file at the offices of this Commission, for a full statement of the transactions therein proposed which are summarized as follows:

(1) Michigan Consolidated will change its authorized common stock from 400,000 shares of \$100 par value stock to 3,000,000 shares of \$14 par value stock and will issue to Traction 2,548,642.86 shares of such new common stock in exchange for the 356,810 shares of Michigan Consolidated's common stock now outstanding;

(2) Michigan Consolidated will issue and sell to Traction 150,621.43 additional shares of its new common stock for \$2,108,700 in cash;

(3) Michigan Consolidated will acquire all of the property and assets of Traction's subsidiaries, Production and Pipe Line, by issuing to those companies \$68,785.71 additional shares of new common stock having an aggregate par value of \$963,000, and by assuming all liabilities of those companies owing to the public;

(4) Production and Pipe Line will be dissolved after transferring to Traction the common stock of Michigan Consolidated acquired in the preceding transaction and receiving from Traction their outstanding securities to be surrendered for cancellation;

(5) Michigan Consolidated will purchase from non-affiliated interests, for approximately \$440,700 in cash the property and assets of Big Rapids Gas Company ("Big Rapids") and Mecosta Pipe Line Company ("Mecosta")

(6) Waverly will be dissolved following distribution of all its assets to Traction in exchange for the outstanding securities of Waverly.

(7) Michigan Consolidated will issue and sell to the public, through underwriters selected by competitive bidding, \$38,000,000 principal amount of First Mortgage Bonds, 3½% Series due 1968, and 40,000 shares of 4¾% Cumulative Preferred stock. The proceeds from this financing, together with a portion of the proceeds obtained from the sale to Traction of additional shares of new common stock, as outlined in (2) above, will be applied by Michigan Consolidated to redeem all of its presently outstanding funded debt and preferred stock, consisting of \$36,000,000 principal amount of First Mortgage Bonds, 4% Series due 1963, \$4,150,000 principal amount of 4% Serial Notes due August 1, 1944, to 1948, and 20,000 shares of 6% Preferred Stock of 1927, having an aggregate par value of \$2,000,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said applications and declarations shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 1, 1943, at 10:15 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such day by the hearing room clerk. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its Rules of Practice, Rule XVII, on or before November 29, 1943.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act

and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be paid by Michigan Consolidated for the property and assets of Production, Pipe Line, Big Rapids and Mecosta is reasonable and fair and bears a fair relation to the sums invested in or the earning capacity of the assets to be acquired;

(2) Whether the proposed acquisitions by Michigan Consolidated of the property and assets of Production, Pipe Line, Big Rapids and Mecosta meet the applicable requirements of section 10 of the Act, and whether such acquisitions are detrimental to the carrying out of the provisions of Section 11;

(3) Whether the issue and sale of bonds, preferred and common stock by Michigan Consolidated are exempt from the provisions of section 6 (a) and 7 of the Act by virtue of the provisions of section 6 (b) and if such exemption is available, whether any terms and conditions should be imposed;

(4) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers, with particular attention to all accounting entries in connection with the proposed transactions, to intangibles and other inflationary items in the property and other accounts, to property which is not used or useful in the performance of utility services, to the adequacy of the depreciation reserve and to the adequacy of the proposed annual provision for maintenance and depreciation;

(5) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules, regulations or orders promulgated thereunder;

It is further ordered, That notice of this hearing be given to the applicants and declarants and to the Mayors of the cities of Ann Arbor, Big Rapids, Detroit, Grand Rapids and Muskegon, Michigan, by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-18818; Filed, November 23, 1943;
2:50 p. m.]

WAR PRODUCTION BOARD.

STATE HIGHWAY DEPARTMENT OF GEORGIA

PARTIAL CANCELLATION OF REVOCATION ORDER

Preference Rating Order P-18-e,
Serial No. 672-E.

Bullder: State Highway Department of Georgia, Atlanta, Georgia.

Project: Construction of new roads or improvement of substandard roads and grade separation identified as: FAP 511-H (1), FAP 2717-C (1)

The partial revocation of preference rating issued on February 2, 1943 of the above serially numbered preference rating order is hereby cancelled insofar as it pertains to that portion of the project identified as FAP 511-H (1) the partial revocation order insofar as it pertains to that portion of the project identified as FAP 2717-C (1) shall remain in force.

Issued this 24th day of November 1943.
1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18337; Filed, November 24, 1943;
10:24 a. m.]

[Certificate 170]

DAIRY PRODUCTS, NEW HAVEN, CONN.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by New Haven Dairy Division of the General Ice Cream Corporation and Brock-Hall Dairy Company, Inc., in the transportation and wholesale delivery by motor vehicle of milk and related products in New Haven, Connecticut.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18370; Filed, November 24, 1943;
11:38 a. m.]

[Certificate 171]

SALINA, KANSAS, GROCERS

APPROVAL OF JOINT PLAN

The ATTORNEY GENERAL.

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by N. C. Grant and certain others in the transportation and delivery by motor vehicle of groceries of Salina Kansas.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so

¹ *Supra*.

certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18871; Filed, November 24, 1943;
11:38 a. m.]

[Certificate 172]

COMMON CARRIERS, CINCINNATI AND NORWOOD, OHIO

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-4 issued by the Director of the Office of Defense Transportation with respect to coordination of the operations of Wm. J. McDevitt Trucking Company and certain other carriers of property between points in Cincinnati and Norwood, Ohio.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-4 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18872; Filed, November 24, 1943;
11:38 a. m.]

COMMON CARRIERS, SPRINGFIELD, MO.

APPROVAL OF JOINT ACTION PLAN

[Certificate 173]

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-5 issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain local carriers of property by motor vehicle within the City of Springfield, Missouri.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-5 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18873; Filed, November 24, 1943;
11:37 a. m.]

[Certificate 174]

COMMON CARRIERS, CINCINNATI, OHIO

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-3 issued by the Director of

¹ *Supra.*

the Office of Defense Transportation with respect to coordination of the operations of The Cincinnati Transfer Company and John B. Stueve & Son in the transportation of property by motor vehicle in the Cincinnati, Ohio, area.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-3 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18874; Filed, November 24, 1943;
11:37 a. m.]

[Certificate 175]

COMMON CARRIERS, METROPOLITAN AREA,
N. Y.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-6 issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of Arthur's Express Company and certain other local carriers of property by motor vehicle within an area comprised of New York, Bronx, Westchester, Kings, Queens, Nassau, Suffolk, and Richmond Counties, New York.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-6 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18875; Filed, November 24, 1943;
11:36 a. m.]

[Certificate 176]

COMMON CARRIERS, CARTHAGE, MO.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-9 issued by the Deputy Director of the Office of Defense Transportation with respect to coordinating the operations of Frisco Transportation Company and certain other local carriers of property by motor vehicle within an area comprised of the City of Carthage, Missouri.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat.

357), I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-9 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18876; Filed, November 24, 1943;
11:36 a. m.]

[Certificate 177]

DETROIT, MICH., MOTION PICTURE FILM
DISTRIBUTORS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith a Recommendation of the Deputy Director of the Office of Defense Transportation concerning a plan for joint action by G. E. LeVeque and certain others in the transportation and delivery by motor vehicle of motion picture film in the metropolitan area of Detroit, Michigan.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18877; Filed, November 24, 1943;
11:36 a. m.]

[Certificate 178]

LAWRENCE, KANS., GROCERS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith a Recommendation of the Deputy Director of the Office of Defense Transportation concerning a plan for joint action by West End Market and certain others in the transportation and delivery of groceries by motor vehicle in Lawrence, Kansas.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-11878; Filed, November 24, 1943;
11:36 a. m.]